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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes

First Semester, End Semester Examinations (Odd-Semester), November-2023

CORPORATE FINANCE LAW

Time: 2 ½ Hours

Maximum Marks: 50

Instructions:

1. Answer all the questions.
2. Maximum marks are mentioned against each of the question.
3. This is an open book examination. Bare Acts, Rules, Regulations or full text of the case laws alone may be taken to the Examination Hall. Any notes written during the class preparation or lectures in one's own handwriting on the bare Acts, rules, Regulations is allowed in the Examination Hall. No book or other materials is permitted.
4. Rely on the facts presented in the question paper as it is and do not ask any clarifications.

PART – A (5x 10 =50 Marks)

Answer the following questions:

Facts:

M/s. The Trichy Homewares Ltd. (TTHL), incorporated in 2021 having its registered office at Tiruchirappalli, is a manufacturer of home furnishings and other textiles with a 100 crores state of the art manufacturing unit with advance imported German machineries. For securing an advance, it assigned book debts from the following debtors to the Factor:

- a. Classic Traders, New Delhi (Dues are INR 47 lakhs)
- b. AD Clothing Merchants, Hyderabad (Dues are INR 61 lakhs)

Based on the due diligence and the subsequent assignment mentioned above, factor gave an advance of INR 90 lakhs for 60 days period.

In view of the surge in demand from foreign markets, TTHL intends to expand its manufacturing units. So, it requires additional capital for leasing or purchasing of land and construction of civil structures for these units and for importing machineries. Total capital requirement is estimated to be about INR 50 crores and USD 100 million respectively.

1. Is the registration of the above assignment mandatory under the MSME Act, 2006? What are the remedies available to the factor in case of non-receipt of the assigned sum from the traders?

2. Advice TTHL about the suitable mode of equity finance to meet out the above capital requirement.
 3. Assume that TTHL proposes for an IPO. Based on the facts above, you are required to draft suitable clauses to be included in the draft offer document to be filed with the SEBI.
 4. What is the minimum contribution of promoters required in the IPO proposed above as per applicable SEBI regulations?
 5. Is FDI an option for TTHL to raise the above sum through bonds? What are the FDI rules TTHL has to fulfill to raise the amount required?
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Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
First Semester, End Semester Examinations (Odd-Semester), November - 2023
RESEARCH METHODS AND LEGAL WRITING

Time: 2 ½ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 Marks)

Answer all the questions with appropriate examples. Please note that examples for every answer carry marks.

1. Explain Probability and Non-Probability Sampling techniques. Further, if you are given the task of studying the Transgenders of Tiruchirappalli district, how will select the Samples.
2. Examine Emile Durkheim's Sociological methods to understand and study the variety of Social Relations and situations.
Suppose if you are asked to study and understand the sociological consequences of war in Ukraine-Russia areas or in Israel- Palestine areas explain the sociological research framework to be employed.
3. What are the meaning, scope and objectives of the legal research? How academic legal research differs from professional legal research?
4. Explain the relevance of the literature review in legal research? And what qualifies to be literature for legal research?
5. Write an essay on analytical legal research.

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
First Semester, End Semester Examinations (Odd-Semester), November-2023
CORPORATE LAW AND CORPORATE GOVERNANCE

Time: 2 ½ Hours

Maximum Marks: 50

Instructions:

- a. Write legibly. Write relevant and cogent answers.
- b. All the questions should be answered by quoting relevant legal provisions, legal theories, and at least three relevant judicial precedents and suitable illustrations/examples.
- c. All the questions are compulsory. You are strictly directed to follow the Question Number as given in the Question Paper.

PART – A (50 Marks)**Answer the following questions:**

- 1 *“The Companies Act, 2013 is not the only source of corporate governance principles in India. The Indian legal framework on corporate governance has evolved since the 1990s and is presently scattered across multiple legislations and policies. It even includes codes and guidelines published by non-regulatory bodies.”* Critically comment on this statement by analysing the various legislative, regulatory and other sources governing corporate governance practices in India.

[13 Marks]

- 2 What do you mean by whistle-blowing? Elucidate in detail any three types of whistle-blowers in an organisation with examples. Bring out the similarities and differences between ‘*whistle-blower policy*’ and ‘*vigil mechanism policy*’. Is whistle-blower protection policy connected with any principles or theories of corporate governance?

[13 Marks]

- 3 “A good corporate governance model must ensure creation, management and equitable sharing of wealth among the various stakeholders of a corporation.” Critically comment on this statement by making a comparative analysis between the ‘stakeholder theory’ and the ‘enlightened shareholder value theory’ of corporate governance in India and the United Kingdom. Further, keeping any Indian company as an example, draw an exhaustive list of different stakeholders in that company.

[12 Marks]

- 4 Who is considered as a ‘steward’ in a company? Examine in detail the ‘stewardship theory’ of corporate governance by comparing and contrasting it with the ‘agency theory’. Do we have any laws in India codifying and applying the principles of stewardship theory to the Indian corporations?

[12 Marks]

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
COPYRIGHTS AND ACCESS TO KNOWLEDGE

Time: 2 ½ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 Marks)

Answer the following questions:

1. “The aim of the establishing a monopoly copyright regime was to strike a deal between the author, the bookseller, and the reading public that was designed to maximize the production, dissemination and distribution of useful book”— Comment on whether the modern copyright law is in accordance with the grundnorms of the founding principles of the copyright law .
2. *Droit de morale* though originated in France but the Berne Convention adopted only two forms of protection and is devoid of uniform interpretations. Analyze the need for harmonization in interpreting and protecting moral rights across the globe.
3. “To address the copyright infringement in Non Fungible Tokens and video game industry there is essential need for revamping the doctrine of originality and theories of copyright infringement.”-Comment .
4. The copyright industry is expanding its horizons based on the economic development of the industries and have included copyright protection for ephemeral fixated creations. Analyse the requirement if fixation of a work to be mandatory requirement for obtaining copyright protection and determining copyright infringement ?
5. Analyse the significance in determining authorship and ownership of a work and its impact on Assignment and licensing of a work for determining economic exploitation in India.

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes

First Semester, End Semester Examinations (Odd-Semester), November 2023

COMPARATIVE PUBLIC LAW

Time: 2 ½ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 Marks)

Answer the following questions:

1. Members of the Constituent Assembly took note of the different constitutions of the USA, Australia, Canada, and Switzerland and produced a new kind of federation to meet India's peculiar needs. In light of the above statement, do you think India's federation is working effectively? Explain in detail.
2. The doctrine of Separation of Power has always been under discussion for its application in different constitutions. Do you think separation of power is essential for democracy and the Rule of Law? What kind of doctrine does the Separation of Powers Indian Constitution embrace? Explain.
3. Why does one need to Comparative Public Law? Explain different methodologies of comparison under Comparative Public Law.
4. What are the different methods of Constitutional Interpretation? Critically analyse the different methods adopted by the Indian Supreme Court to interpret the Constitution. Refer to relevant judicial decisions and Give suitable examples as well.
5. Explain the Relationship between the Rule of Law, Judicial Review and Judicial Independence. How the Indian Constitution ensures the Rule of Law?

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**LL.M. Programmes****First Semester, End Semester Examinations (Odd-Semester), November-2023****INTERNATIONAL INTELLECTUAL PROPERTY LAW**

Time: 2 ½ Hours

Maximum Marks: 50

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

1. Critically examine the emergence of Intellectual Property Rights as part of the positive legal order of states, considering their historical evolution since the nineteenth century. Highlight the expansion of subject matter in Intellectual Property systems and assess the ongoing nature of this expansion in the twenty-first century.
2. Justify the need for various standards of creativity for different forms of Intellectual Property Rights. Do theories of Intellectual Property Rights contribute to setting the international standards of creativity? If yes? How?
3. In the absence of a specific Intellectual Property Treaty, analyze whether two countries, both members of a relevant human rights treaty, are obligated to provide non-discriminatory Intellectual Property protection based on the relevant human rights treaty. Critically examine the necessity for specific rules on 'National Treatment' and 'Most Favored Nation Treatment' under International Intellectual Property Treaties.
4. Explore the existence and interpretation of the term "TRIPs Flexibilities" and critically comment on how Indian Intellectual Property laws have employed these flexibilities.
5. Critically evaluate the current defensive protection models for Traditional Knowledge systems and their role in preserving cultural heritage. Explore the feasibility of granting positive protection, such as legal rights, to empower communities in safeguarding their Traditional Knowledge within the contemporary Intellectual Property system.

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes

First Semester, End Semester Examinations (Odd-Semester), November-2023

LEGAL REGULATION OF FORESTS AND WILDLIFE

Time: 2 ½ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 Marks)

Answer the following questions:

1. The Constitution of India is mandated the States that strive to promote the welfare of the people by securing and protecting effectively as it may social order in which justice, social, economic, and political, shall inform all the institutions of the national life. It also mandated to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilitates and opportunities to all. Examine this statement referring to the measures adopted by the constitutional authorities to ensure the sustainable livelihood of the tribal community and other forest dwellers to access the resources, land tenure and food security to all.
2. *Declaration to the Chief Wildlife Warden is the condition precedent to get exemption from the punishments for wildlife crime in India.* Do you agree? Critically examine this statement referring to the owner of the natural resources and the duty of the owner to disclose the number and description of any forest produce and animal article under his control and other necessary details. Also, evaluate the punishments for wildlife crime in India and cite the judicial precedents.
3. *The traditional uses of land and forest by nature meant public use, such as navigation, fishing has been extended to all ecologically important lands, including freshwater, wetlands and reparation forests and the government is the trustee of all natural resources.*

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

Critically examine referring to the forest policies adopted by the government to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably

manage forests, combat desertification halt and reverse land degradation and halt biodiversity loss between generations.

4. The Supreme Court of India has observed that the state of forest conservation in the country was generally poor. that indiscriminate felling (legal and illegal) was common in the north-east, the Forest Conservation Act (FCA) had become simply a procedure that still permitted large development projects to go through, and mining permits had been given out in contravention of the FCA in many parts of the country.

- *T.N. Godavarman Thirumulkpad v. Union of India and Others*, (1997) 2 SCC 267.

Examine the contribution of the Supreme Court on the creation of the National Afforestation Programme (NAP) and Compensatory Afforestation Fund Management and Planning Authority (CAMPA) and their effectiveness for the planting activity for the realization of sustainable forests between generations.

5. The Food and Agriculture Organisation (FAO) is mandated to improve nutrition, increase agricultural productivity, raise the standard of living in rural populations and contribute to global economic growth. Achieving food security for all make sure people have regular access to enough high-quality food to lead active, healthy lives. Evaluate the objective of the FAO referring to the interrelation with the conservation of the resource on the initiatives of the NITI AYOOG in fulfilling the goals and targets of SDG 1 and SDG 2.
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Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
First Semester, End Semester Examinations (Odd-Semester), November-2023
LAW AND JUSTICE IN A GLOBALIZING WORLD

Time: 2 ½ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 Marks)

Answer the following questions:

1. *“Corporate tax avoidance is a practice that involves different corporations and different territories simultaneously and, as such, it has global consequences because these corporations do not pay their fair tax in the countries in which they operate.”* – Critically comment on the statement by analyzing the Appleby lawsuit.
2. *“Is IMF a part of a wider network of international institutions that each has an important role to play in making globalization work better.?”* – Critically examine the role of IMF in the development of the third world countries by citing an example.
3. *“Rapid globalization and liberalization have led the union government to sign several international treaties with little or no consultation with the states.”* – Critically evaluate the treaty making powers in India.
4. *“Is globalization a radical departure from previous modes of global order? OR is it instead simply a continuation of existing trends clad in a different rhetorical cloak?”* – Answer by tracing the different phases of globalization.
5. What do we actually mean when we assert that the global economy is unjust or unfair? What should be the interference of the State in ensuring economic justice?

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes

First Semester, End Semester Examinations (Odd-Semester), November-2023

RIGHTS RELATING TO NATURAL RESOURCES LAW

Time: 2 ½ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 Marks)

Answer the following questions:

1. *Natural resources are classified not solely based on their elements but depend upon their economic benefits and recyclability.* Do you agree? Evaluate this statement referring to the kinds of natural resources and their contribution to the national growth of present and future generations in the era of Sustainable Development Goals and Targets.
2. *“The governments are the real owners of the natural extent to a certain extent and utilization of the natural resources is to determine the sustainable livelihood between generations.”* Examine this statement referring to the Constitutional power of the federal government to impose and collect taxes on the accessibility of natural resources to realise individual fundamental freedom to all.
3. States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. Analyse the statement referring to the permanent sovereignty over natural resources by the states and the right to claim reparation for the loss of resources.
4. *“Every generation should use the natural system to improve the human condition. But when one generation severely degrades the environment, violates its intergenerational obligations to care for the natural system”.* - Edith Brown Weiss. Critically examine this statement referring to the legal elements of the concept of Sustainable Development

and their effectiveness in realizing the intergeneration obligation. Refer to relevant judicial decisions.

5. The emergence of Blue Economy facilitates India's GDP and enhances the livelihood of coastal communities covering sectors from fisheries, marine product processing industry, maritime logistics, marine trading, shipbuilding industry, marine tourism, biotechnology and education and research. Trace and evaluate the role and contribution of the NITI AYOOG in translating India's Vision of Blue Economy.
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