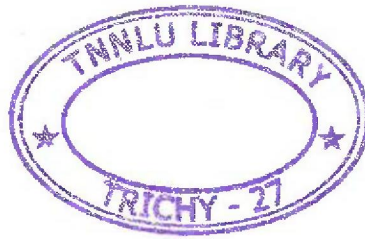




TAMILNADU NATIONAL LAW UNIVERSITY



QUESTION PAPERS

LL.M



END SEMESTER (ODD-SEMESTER) EXAMINATIONS,
DECEMBER - 2022

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
First Semester, End Semester Examinations (Odd-Semester), December 2022
LAW AND JUSTICE IN A GLOBALIZING WORLD

Time: 2 ½Hours

Maximum Marks: 50

PART – A (3 x 10 = 30 Marks)**Answer all the questions:**

1. The traditional concept of justice is entwined with territorial jurisdiction of a Sovereign State. Do you think that this statement has any relevance in the contemporary world? Analyse the statement in the light of the arguments made by Thomas Pogge on cosmopolitanism and sovereignty.
2. *“In an increasingly globalized economy, the privatization of water as an economic good has sparked complex debate”* – Critically examine the impact of privatization of water with a relevant case study.
3. *“Human Trafficking affects us all, whether you live in countries of origin, transit or destination. Preventing and combating it requires a comprehensive approach”* – critically comment on the statement by analyzing human trafficking and forced labor in the era of globalization.

PART – A (4 x 5 = 20 Marks)**4. Comment on the following:**

- a. Democratic Deficit
 - b. Cultural Globalization propounded by Arjun Appadurai
 - c. The Asian Financial crisis
 - d. Capabilities Approach and Globalization
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
First Semester, End Semester Examinations (Odd-Semester), December 2022
COMPARATIVE PUBLIC LAW

Time: 2 ½ Hours

Maximum Marks: 50

Instructions:

- *Write complete answers to all questions*
- *All questions are compulsory and carry equal marks*

PART – A (5 x 10 = 50 Marks)

Answer the following questions:

1. It is said, 'Constitutional Designing is crucial to the efficacy and success of the Constitution.' Do you agree with this statement? Comment, with the help of supporting reasons.
 2. Whether federalism can be associated with gender justice and human rights? Explain with the help of relevant arguments.
 3. Explain the relationship between the separation of powers, presidential and parliamentary forms of government and federalism by using suitable illustrations from jurisdictions of your choice.
 4. Constitutionalism can be construed as sustaining respect for fundamental rights and supremacy of rule of law. Elucidate the same with the help of supporting explanations.
 5. What are the chief concerns associated with the working of the asymmetrical model of federalism in India in comparison to any of the other jurisdictions of your choice?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
First Semester, End Semester Examinations (Odd-Semester), December 2022
RESEARCH METHODS AND LEGAL WRITING

Time: 2 ½Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 Marks)

Answer all the questions:

- 1) What is critical thinking? State, in brief, the points to consider in writing a critical review of a journal article. Explain the difference between a literature review and a critical review.
- 2) “Research design is a blueprint or detailed plan for how a research study is to be completed” Do you agree? Explain this statement referring to the various processes involved in writing an effective research proposal and also present a research proposal based on any socio-legal issue of your interest.
- 3) N.R. Madhava Menon in his article “Law and Development: A Seminar Report” published by JILI in 1973, wrote as below:

“... it is high time we recognize that fact and teach law as an applied science capitalizing upon the accumulated knowledge and skills of various disciplines pertaining to human relations in society”

In this context, critically analyse the interdisciplinary approach in law and examine the relationship between law, science and technology.

- 4) What is plagiarism? How can you ensure that your research report is free from plagiarism before submission? Does plagiarism occur when an inaccurate source was credited in a research paper?

5) Shreya, a PIO (Person of Indian Origin) currently living in Canada wants to protect and manage her grandmother's property in India. She seeks your advice on how to find and study a statute(s) on the subject that she is looking for through online means. Give your views on the challenges of finding and studying statutes on a particular subject through credible and authentic online resources on Indian Laws.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
First Semester, End Semester Examinations (Odd-Semester), December 2022
CORPORATE FINANCE LAW

Time: 2 ½Hours

Maximum Marks: 50

Instructions:

1. Answer all the questions.
2. Marks for each question is mentioned against each question.
3. This is an open book examination. You are allowed to bring Corporate Laws and SEBI Manuals. Print out of any primary material (Acts, Rules, regulations, By-laws etc. Class/preparatory notes in one's own handwriting in a note book only are allowed.
4. Course faculty/Invigilator may check the materials used in the hall.
5. Text or reference books are not allowed.

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

1. Write a critical comment on *Securities and Exchange Commission v. W. J. Howey Co.*, 328 U.S. 293 (1946).
(5 marks)
2. Transstech India Private Limited was incorporated by registering under the Companies Act, 2013 in 2019 just before the start of Covid19 pandemic. It is a technology solution company focussing on automated aircraft components. It was promoted by 3 friends who were students of the then Famous Engineering College, Trichy. Now, Transstech needs no capital to be raised but proposes to offer about 50% of the stake held by the promoters through public offer. You are required to advice Transstech about the possibility of initial public offer mentioned hereinabove.
(15 marks)
3. Tel Co Ltd. (TCL), a company registered under the Companies Act, 1956 offering cellular mobile phone service, was found to have violated the Telecom Unsolicited

Commercial Communications Regulations, 2007. TCL was fined INR 5000/- in the first instance. Soon it received another notice for allegedly violating the regulations again due to an unexpected technical glitch. TCL has released a press release claiming to have addressed the said glitch soon after the discovery. Notwithstanding the press release, TCL responded to the notice. In the meanwhile, due to tax arrears claims and the need for expansion to overcome competition TCL is in urgent need to infuse additional capital. Advise TCL regarding the implication of the notice received on the eligibility of TCL to offer any of the securities to the public.

(15 marks)

4. Read the information below, sourced from the website of the Trichy Tech Services, and answer the question that follows:

Trichy Tech Services (TTS) was incorporated in 2013 by a group of enterprising experienced engineers in the field of engineering, construction, commissioning, operating and maintaining as well as trouble shooting of power boilers/Thermal power plants and its accessories and having combined experience more than 1000 human years.

TTS personnel have sheer competence and extensive core experience with more than 30 years in Design, Manufacture, Erection and commissioning of FBC Boilers, travelling grate, CFBC Boilers of capacity from 5 TPH to 250 TPH and of varying pressures from 10 bar to 106 bar.

TTS offers services to power boilers and power plant equipments' users as listed below:

Supply of various type of Boilers and ESP.

Supervision of Erection & Commissioning of process boilers/power boilers with ESP.

Trouble shooting of existing power boilers/power plant equipments' and conducting of energy audit of the same in order to enhance reliability of power plant equipments' and further optimizing the efficiency of power boilers and power plant equipments'.

Servicing of Safety valves, gate valves and globe valves.

Conducting Performance test as per ASME PTC 4 or 4.1.

Conditional assessment study of Boilers and ESP.

Checking of Boiler, ESP and Auxiliaries during annual inspection at critical areas.

Supply of spare parts for FBC boilers(Thermax,Cheema, Veasons,Cethar) like Air nozzles, mixing nozzles, Crosses, MDC vanes, fuel feeders, Ash feeders, bed coils, economizer coils, fan impellers with shafts, ESP internals, APH assembly etc.

Supply of spares for all travelling grate boilers.

Project management from erection start to commissioning.

TTS has handled following types of boilers and have rich hands on experience in:

Bubbling fluidized bed type boilers.

Circulating fluidized bed type boilers.

Waste heat recovery boilers.

Travelling grate type of boilers.

ESP for various type boilers.

You are required to state with reasons if any of the above information requires to be disclosed should TTS wish to place securities privately.

(15 marks)

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
First Semester, End Semester Examinations (Odd-Semester), December 2022
COPYRIGHTS AND ACCESS TO KNOWLEDGE

Time: 2 ½ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 Marks)

Answer all the questions in not less than 700 words and not more than 1000 words

1. Is it possible for several persons to create similar works in the same general form, from a common source without anyone infringing the law with regard to copyright. If so, state whether the copies created can be considered as infringing copies or do they automatically become eligible for copyright protection ?
2. Critically analyse whether *droit de morale* is an inalienable right as per Berne Convention and TRIPS Agreement. Also compare *droit de morale* and special rights and analyse the merits and demerits of protecting the special rights of the author after his death and after expiry of the term period of protection guaranteed under the Copyright Act 1957 in India ?
3. Arivumani was an advocate, who was practising in the Madras High Court. He was a famous Advocate and when ever he used to deal with sensational cases, he was interviewed by many journalists and they used to take photographs and videos of Arivumani. JERIM Magazine wanted to do a cover story on Arivumani and his achievements and approached him for an interview. Arivumani had already published his autobiography in English in google blog (Arivumani advocate blogs). Arivumani did not provide appointment to Mr.Jednisch due to his busy schedule. So Mr.Jednisch, the senior editor of JERIM Magazine, decided to translate the information provided in the google blog of Arivumani. For the photographs, Mr.Jednisch used the photographs which were available on Arivumani's Facebook page and other pictures which were available online in google. The cover story was published online on the website www.JERIMMagazine.in and on Mr. Jednisch's Facebook page. The website also provided the link to Arivumani Advocate blogs without his permission. When Arivumanibecame aware of the article he sent a legal notice to JERIM Magazine for violation of copyright of his blog, pictures and also sent a notice to Facebook to

remove the links to his blog in the face book home page. Indian express (IE) and Deccan chronicle (DC) sued JERIM magazine for using the photographs which were published in DC and IE taken by the photographers employed with the newspapers. Decide.

4. Discuss on the copyrightability of computer programmes and elucidate whether Non fungible tokens and works created by Artificial intelligence can be copyrighted in India and China.
 5. Justify whether Copyright is a Human right or constitutional right or a statutory right in India. Juxtapose whether works in copyright domain affect the rights of the disabled and facilitate the academic industry to increase pay wall protection and provide restricted access to academic materials across the globe.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
First Semester, End Semester Examinations (Odd-Semester), December 2022
CORPORATE LAW AND CORPORATE GOVERNANCE

Time: 2 ½Hours

Maximum Marks: 50

Instructions:

- a. Please write legibly. Write relevant and cogent answers.
- b. All the questions should be answered by quoting relevant legal provisions, legal theories, and at least four relevant judicial precedents and suitable illustrations/examples.
- c. The problem based questions should be preferably answered in the Issues, Research, Analysis and Conclusion (IRAC) method.
- d. All the questions are compulsory. You are strictly directed to follow the Question Number as given in the Question Paper.

PART – A (2 x 14 = 28 Marks)**Answer all the questions:**

1. Of late, many wholly owned public sector undertakings and state owned corporations, whether they are in a profit making situation or not, have been mercilessly and ruthlessly privatised and disinvested in India without any basis. This has become a recurring trend and many other industries are also under the clutches of even 100% disinvestment of their stakes by the Union Government. Amongst all stakeholders of these corporations, it is the employees who are often irreparably affected due to this pick and choose policy of the Government on privatisation and disinvestment. Do you think it is mandatory for the Government to get prior approval of the disinvestment plan with the existing workforce? Even though labour is considered as one of the key factors of production, whether employee's rights and interest can be protected under any of the existing corporate governance theories?
2. A transnational auditing and accounting firm by name *NLS Auditors* (hereinafter, '*NLSA*') received a '*show cause notice*' from the *Securities and Exchange Board of India* (hereinafter, '*SEBF*'). This pertains to *NLSA*'s audit of an Indian listed company called *Beepika Laptops Ltd.* (hereinafter, '*Beepika Laptops*') and their alleged failure

to unearth financial wrongdoing within the company of substantial magnitude that in turn resulted in severe losses to the various classes of shareholders of Beepika Laptops. The financial wrongdoing which was widely reported in newspapers as '*Beepika Scam*' included overstatement of cash and bank balances, non-existent accrued interest, overstated debtor position *et.al.*

SEBI alleged that NLSA has violated its fiduciary obligations owed towards the shareholders of Beepika, as they have knowingly acted as a vehicle for fraudulent activities committed by Beepika Laptops. However, NLSA contends that its failure to detect the Beepika Scam can at best be considered as a mere omission. They further assert that they do not owe any fiduciary responsibilities towards any shareholders of Beepika, as they merely play the role of '*watchdogs*' and not '*blood hounds*' while auditing the books & accounts of a corporation. Decide the case by quoting relevant legal provisions and precedents as well as by applying any relevant theories of corporate governance.

PART – B (2 x 11 = 22 Marks)

Answer all the questions:

3. What is meant by '*agency costs*' according to the '*agency theory*' of corporate governance? Explain the various mechanisms that may help to reduce agency costs in a public corporation with a view to improving corporate performance through better governance. Further, compare and contrast agency theory with the '*stewardship theory*' of corporate governance.
 4. "*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 corporation 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. Programmes****First Semester, End Semester Examinations (Odd-Semester), December 2022****GENERAL PRINCIPLES OF INTELLECTUAL
PROPERTY RIGHTS**

Time: 2 ½Hours

Maximum Marks: 50

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

- 1) "Intellectual Property (IP) is a generic term that probably came into regular use during the twentieth century. This generic label is used to refer to a group of legal regimes, each of which, to different degrees, confers rights of ownership in a particular subject matter. 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." Keeping this in mind, critically comment on the concept of intellectual property, its origin and development. Do you agree with the statement that intellectual property rights are universally recognized and not a Universal Right? Why?
- 2) A popular sports team with huge international reputation plans to manufacture their own jerseys and has interests in the merchandise business. It seeks your legal opinion to identify and recommend relevant intellectual property rights connected to the proposed commercial activity. Advise.

- 3) 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 standards of creativity? If yes? How?
 - 4) Critically comment on the overlapping nature of Intellectual Property Rights. Compare and contrast the concept of originality under the Copyright Act, 1957, with that of the Design Act, 2000 and the Semiconductor Integrated Circuits Layout-Design Act, 2000 in the light of decided cases. Is the originality requirement similar under the above three statutory enactments? How and Why?
 - 5) Critically comment on the nexus between bilateral agreements and intellectual property protection. Why bilateralism and regionalism are pursued by countries despite the existence of multilateral platforms like the TRIPs Agreement? How does it impact the existing multilateral standards?
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