



TAMILNADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS

END SEMESTER (EVEN-SEMESTER)
EXAMINATIONS,
JUNE -2022

EN002-22

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme

First Year, Second Semester, End Semester (Even-Semester) Examinations, June -2022

ENGLISH – II / BUSINESS ENGLISH -II

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions (450 to 500 words)

1. What are the major challenges in the process of translation? Explain how the socio-cultural difference poses barriers to translation? Justify your views by referring to any translated literary or non-literary texts that you are familiar with.
 2. Imagine you are a reporter on the legal matters for a national daily. Write a report on any recent Supreme Court judgement/court order/opinion in descriptive plain English without ignoring the basic components of legal English.
 3. “Attempt an expository essay on “How gender inequality affects the progress of India”. Cite the women literary characters who fought for gender equality for supporting your views.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) Degree Programme
First Year, Second Semester, End Semester (Even-Semester) Examinations, June -2022

SOCIOLOGY - II (INDIAN SOCIETY)

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions in 1000-1200 words with appropriate examples.

1. Karl Marx said, "*The history of all hitherto existing societies is the history of class struggles*". Do you agree? Justify your position, and also analyse the various classes and characteristics of class consciousness.
2. What does it mean to be "Urban" in India? Present your conceptual analysis related to your own State, on the basis of pre and post-colonial Census of India.
3. What are the different criteria that you can adopt to classify a village in India? What do you understand from the discourse on 'farmers' and 'peasants' in Rural Indian Sociology?

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B.A. LL.B. (Hons) Degree Programme

First Year, Second Semester, End Semester (Even-Semester) Examinations, June -2022

POLITICAL SCIENCE – II (Political Obligation)

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the Following Questions. Each Answer should not be less than 400 Words.

1. *“The theory of contract of citizenship accounts for the political obligation of naturalized citizens who accept it voluntarily by means of a promise, but not for the obligation of natural-born citizens, who have not accepted it voluntarily”- Analyse the statement and explain whether you agree with it.*
 2. *“Vedanta does not justify violence and bloodshed in individual’s resistance to the authority of institutions”. “Although force must be renounced as an instrument of policy, its use may not only be justified but necessary under certain circumstances”- Analyse the ideas depicted in Vedanta through the above given two statements.*
 3. *Prof. Upendra Baxi has contended that in so many of its normative, institutional and cultural aspects, the Indian Legal System remains burdened with its colonial past even after decades of independence, constitutes an indictment not of our past colonial masters but of the elite of independent India, who have over the years been content with the colonial mode of law. Analyze the influence of the British Legal System on the Indian Legal System which in a way has impacted the Crisis of Legitimation of Law in India.*
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) Degree Programme

First Year, Second Semester, End Semester (Even-Semester) Examinations, June -2022

HISTORY – I (History of the Indian Subcontinent)

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions:

1. There are many mythological accounts about the origin of the *devadasi* system in the Indian subcontinent since the early medieval period. One such account from the *Matsyapurana*, produced in the Gupta period, says “ that after the destruction of the Yaduvamsa in the course of the *devasura sangrama* several thousand wives of Lord Krishna were abducted, seduced and defiled by the dasas and consequently they became prostitutes. These fallen women once asked the sage Dalbya about their duties. They were advised by the learned sage to accept prostitution as their profession and live in the state capitals and in the temples.” Comment on this account and based on historical facts explain the reasons for the origin of the *devadasi* system?
 2. Reconstructing the history of medieval period of the Indian subcontinent is not simple even though we have plenty of sources compared to the pre-medieval times. The historians and scholars who engage in the study of this period face many problems in identifying the nature of the society and polity of the various states that were in existence during this time. Analyze the various theories regarding the nature of the state and indicate which one of them is the most feasible based on the available evidence and depth of analysis.
 3. The English East India Company was not the first to reach the Indian subcontinent for trade in the age of exploration and expansion promoted by the commercial revolution in Europe. Even before the English, there were the Portuguese, the Dutch and the Danish who reached the subcontinent. However, the English emerged as the major European power by eliminating all others. Analyze the factors which facilitated the English success in the Indian subcontinent.
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First Year, Second Semester, End Semester (Even-Semester) Examinations, June -2022

LAW OF CONTRACTS - I

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the Following Questions.

1. Jagjit lent an amount of one crore rupees to Sumesh for starting a new business. But Sumesh's business went into failure due to the economic recession in the market. Jagjit found it difficult to get back the lent money from Sumesh, arranged Veerayyan, a gangster to kidnap Sumesh's family and intimidate them to return the money. Jagjit transferred five cents of land in the heart of Swadesh city to Veerayyan by a sale deed for this. Veerayyan kidnapped Sumesh's family as agreed between Jagjit. But Sumesh was not in a position to pay money. Jagjit filed a suit for the recession of the sale made in favour of Veerayyan.

Decide whether Jagjit is entitled to rescind the sale made in favour of Veerayyan?

2. Nitendra got Pandit Nehru Scholarship for Overseas Studies sponsored by the State Government of Madhya Pradesh. The state wanted him to enter a bond to serve the state for a period of five years after completing the programme abroad. Clause 6 of the bond was as follows:

"6. That on the completion of such study, the scholar shall return to the State of Madhya Pradesh, and serve the Government for a period of not less than five years, provided that, if within a reasonable time after his return to Madhya Pradesh, the State Government do not find employment for him they shall be deemed to have waived their right to claim his services as aforesaid and the scholar shall, thereafter, be at liberty to seek employment elsewhere."

Nitendra completed Bachelor of Science in Engineering (B.S.E) Institute of Technology New York. The State government spent Rs. 25,00,000 for his studies abroad. He got an offer for placement at Dodge Company but came back and stayed with his family in Madhya Pradesh. After one month of his stay at home, he sent a letter to the Government stating that since the Government was not able to find employment for him and the bond is discharged. He stated in the letter that he is going to New York for employment purposes.

The government of Madhya Pradesh appointed you as the government pleader to claim the amount spent for his studies abroad from Nitendra. Provide your defence for the state government.

3. Pondy State Electricity Board, (hereinafter referred to as PEB) was established under a Statute to supply electricity within the State. Tenders were floated by PEB for the supply of required materials and it was accepted by Joy Trading Co. Joy Trading Co. agreed to deliver the required materials by the end of March, 2022. In case of failure to deliver the materials as agreed, the PEB reserved the right to purchase the material from the open market and claim compensation for damages for the same. Joy Trading Co defaulted and was unwilling to perform its contractual obligation. PEB served a demand notice to Joy Trading Co for damages caused. However, PEB did not purchase any materials from the open market post such breach as mentioned in the contract. PEB filed a suit for damages. Will PEB succeed? Decide with relevant provisions of the Indian Contract Act and judicial precedents.

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First Year, Second Semester, End Semester (Even-Semester) Examinations, June -2022

FAMILY LAW – I

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions:

1. The Islamic law stands on the legitimacy afforded to it under Section 2 of the Muslim Personal Law (*Shariat*) Application Act, 1937 which is also backed by Article 25 of the Constitution of India that allows one to freely profess, practice and propagate one's religion in addition to Article 26 that enables minority communities to manage their religious affairs. The underlying object being the Personal laws of Muslims should not be disturbed by the State. In this backdrop:
 - (a) Comment on the Constitutionality of Section 77 (4)(g) of the *Wakf* Act, 1995 which directs that the *Wakf* fund should be used for payment of Maintenance to Muslim women among others. (5 Marks)
 - (b) Also critically evaluate the action of the State in criminalizing Triple *Talak* by virtue of the Muslim Women (Protection of Rights on Marriage) Act, 2019 *vis-a-vis* Article 25 of the Constitution. (5 Marks)
2. There appears to be a difficulty in interpreting Section 18(3) of the Hindu Adoption and Maintenance Act, 1956 and Section 125 (4) of the Criminal Procedure Code, 1973 as to when unchastity of the wife will disentitle her to receive maintenance from her husband.

 With the above-mentioned proposition, critically evaluate in light of decided cases as to interpretations derived from the Criminal Procedure Code, 1973 and the Hindu Adoption and Maintenance Act, 1956 regarding which should be given due consideration.
3. 'In cases relating to child custody the first and paramount consideration is the welfare and interest of the child and not the rights of the parents under a Statute'- Critically analyse the statement in light of The Hindu Adoptions and Maintenance Act, 1956 using decided cases.

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B.Com. LL.B. (Hons) Degree Programme
First Year, Second Semester, End Semester (Even-Semester) Examinations, June -2022

BUSINESS ECONOMICS

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the Following Questions.

1. ABC Sports, a store that sells various types of sports clothing and other sports items, is planning to introduce a new design of Arizona Diamondbacks' baseball caps. A consultant has estimated the demand curve to be

$$Q = 2,000 - 100P$$

Where Q is cap sales and P is price.

- a. How many caps could ABC sell at ₹6 each?
 - b. How much would the price have to be to sell 1,800 caps?
 - c. Suppose ABC were to use the caps as a promotion, how many caps could ABC give away free?
 - d. At what price would no caps be sold?
 - e. Calculate the point price elasticity of demand at a price of ₹6.
2. The Central Publishing Company is about to publish its first reference book in Business Economics. It is now in the process of estimating costs. It expects to produce 10,000 copies during its first year. The following costs have been estimated to correspond to the expected copies.
- a. Paper stock ₹8,000
 - b. Typesetting ₹15,000

- c. Printing ₹50,000
- d. Art (including graphs) ₹9,000
- e. Editing ₹20,000
- f. Reviews ₹3,000
- g. Promotion and advertising ₹12,000
- h. Binding ₹22,000
- i. Shipping ₹10,000

In addition to the preceding costs, it expects to pay the authors a 13 percent royalty and its salespeople a 3 percent commission. These percentages will be based on the publisher's price of ₹48 per book.

Some of the preceding costs are fixed and others are variable. The average variable costs are expected to be constant. Although 10,000 copies are the projected volume, the book could sell anywhere between 0 and 20,000 copies.

Using the preceding data,

- a. Write equations for total cost, average total cost, average variable cost, and marginal cost.
 - b. Draw the cost curves for quantities from 0 to 20,000 (in intervals of 2,000).
3. Consider a small town that is served by two grocery stores, White and Gray. Each store must decide whether it will remain open on Sundays or whether it will close on that day. If both stores decide to close, then each has monthly profits of ₹21,000. However, if one is open and the other is closed, the open one has profits of ₹25,000 and the closed one has profits of ₹17,000. If both remain open on Sundays, then each has profits of ₹20,000.
- a. Why might profits be lower if both are open on Sundays than if both are closed on Sundays?
 - b. Place pay-outs in the appropriate cells of the payoff matrix shown below.

- c. Does either firm have a dominant strategy? Is there a dominant strategy equilibrium? Is this strategy joint profit maximizing?
- d. Is the equilibrium discussed in part c likely to be stable over time? In particular, what might firms do to alter this outcome?
- e. Is this an example of a prisoners' dilemma?

Monthly Profit Payoffs		Gray's Choices	
		Open	Close
White's Choices	Open	/	/
	Close	/	/

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons) Degree Programme

First Year, Second Semester, End Semester (Even-Semester) Examinations, June -2022

RESEARCH TOOLS FOR BUSINESS DECISION MAKING

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the Following Questions.

- From the following data obtain regression equations of X on Y and Y on X by the method of Least square.

X	0	1	3	6	8
Y	1	3	2	5	4

- Two investigators study the incomes of a group of persons by the method of sampling. Following results were obtained.

Investigator	Poor	Middle class	Well to do	Total
A	160	30	10	200
B	140	120	40	300
Total	300	150	50	500

Use Chi square test to find out whether the sampling technique adopted by one of the investigators is wrong. [Given that the significant value of χ^2 at 5 % level of significance for degree of freedom (2) is 5.99 (Table value)].

3. The following data pertain to the number of units of a product manufactured per day by five workmen using four different brands of machines. Perform a two-way ANOVA on the data given below:

Workman	Machine Brand			
	A	B	C	D
1	46	40	49	38
2	48	42	54	45
3	36	38	46	34
4	35	40	48	35
5	40	44	51	41

- (i) Test whether the mean productivity is the same for the four brands of machines.
- (ii) Test whether 5 different workmen differ with respect to productivity. [Given that the significant value of F at 5 % level of significance for (3,12) degree of freedom is 3.49 (Table value) and for (4,12) degree of freedom is 3.25 (Table Value)]
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.Com. LL.B. (Hons) Degree Programme

First Year, Second Semester, End Semester (Even-Semester) Examinations, June -2022

MARKETING MANAGEMENT

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (30 Marks)

Answer the Following Questions.

1. As you are a young entrepreneur, you hesitate to enter into the unmet needs market and decide to produce the product for the met needs market. What would be your product and pricing strategy for the product? Justify your decision with a suitable illustration. (14 Marks)
 2. Compare and analyse the distribution channels of HUL with any one of the e-commerce companies. (8 Marks)
 3. As a lawyer, you felt that the advertisement for bath soap was misleading to consumers. How will you legally prove that the advertisement is misleading to the consumers? (8 Marks)
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) Degree Programme

Second Year, Fourth Semester, End Semester (Even-Semester) Examinations, June -2022

HISTORY – II (Legal History of India)

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions

1. The social, economic and political developments in England directly impacted the administrative policies and changes in the law in colonial India. Analyse the statement by examining the administration of Lord Cornwallis and William Bentinck.
 2. *“Of all the national movements in colonial countries, the Indian national movement was the most deeply and firmly rooted in an understanding of the nature and character of colonial economic domination and exploitation.”* Do you agree with the statement? Provide suitable examples to support your views.
 3. Religion and caste became the most important and interesting subjects among colonial scholars and European writers of the eighteenth and nineteenth centuries. The overwhelming preoccupation of colonial scholars with these subjects produced a variety of theories that were expected to help colonial administration. The theories on caste produced by colonial scholars also influenced the native Indians who used them either to support or question the social hierarchy in Indian society. In the light of the above points analyze the role of Jyotirao Phule and his method/s of reform.
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B.A. LL.B. (Hons.) Degree Programme

Second Year, Fourth Semester, End Semester (Even-Semester) Examinations, June -2022

SOCIOLOGY - III (Sociology of Law)

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions in 1000-1200 words with appropriate examples:

1. Does the Kibbutz pose a challenge to Murdock's claim for Universality of the family?
Justify your position.
 2. Analyse the experience of Alienation by Technology of a worker in an Industrial society through the Marxian framework applied by Robert Blauner and C.W Mills.
 3. Analyse Weber's themes of Rationality and Rationalization in every day context.
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Second Year, Fourth Semester, End Semester (Even-Semester) Examinations, June -2022

CONSTITUTIONAL LAW - II

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = Marks)

Answer the following questions

1. (a) A legislator allegedly accepted a bribe from one candidate to the Rajya Sabha, but eventually voted for some other candidate. He was prosecuted under Section 13 of the Prevention of Corruption Act as well as Section 120B of the IPC, 1860. Before the High Court, the legislator argued protection on the basis of the judgment in *P. V. Narasimha Rao*. The respondent, the Union of India, however argued that there was no connection between the vote and the bribe, and therefore it was not covered by the protection in the judgment. Think of yourself as the judge, and write a brief judgment deciding this case based on precedent and the Constitution. (5 Marks)

- (b) In 2017, the Karnataka Assembly found two journalists, Ravi Belagere and Anil Raju, guilty of publishing defamatory articles about the Speaker and other MLAs. They had each been sentenced to one year's imprisonment. Considering that the Parliament and the State Assemblies have not passed laws under Article 194(3) and are continuing to use the privileges of the House of Commons as they stood at the commencement of the Constitution which are admittedly vaguely worded, do you think cases like *MSM Sharma* need to be reconsidered in any way? In relation to this, why do you think the Legislatures have not defined their own powers yet? (5 Marks)

2. (a) In public interest, the Government of Indiana passes the Farmers Produce Facilitation and Price Act, 2022. While overhauling the entire system of

agriculture markets, minimum prices and such, S. 8 of the Act states that

No market fee or levy or tax, under any State law, shall be levied on any farmer or trader with regard to any activity conducted by said farmer or trader in a market area.

Several States mount a challenge to these laws stating that they violate the distribution of subjects in Schedule VII and therefore violate the Constitution. Before the Court, the Centre and the States press the following entries from Schedule VII to support their cases:

- Centre: Entry 33 of List III

- State: Entries 14, 28, 46 of List II

Note : The entries in Schedule VII of the Constitution of India are identical to the entries from the Constitution of India. Use the principles of interpretation of the Lists, draw on any additional entries if you so desire, and decide in favour of either the Centre or the States. **(5 Marks)**

- (b) How is India's unique federal structure reflected in the constitutional provisions on Centre-State Financial Relations? Answer briefly in the context of (i) Goods and Services Tax OR
(ii) the Freedom of Trade, Commerce and Intercourse OR
(iii) Interpretation of Lists and Taxing powers in Schedule VII.

(5 Marks)

3. In the context of judicial appointments, do you agree with the statement that primacy of the Judiciary in matters of judicial appointments is indispensable to the Court's independence? Depending on your answer, briefly suggest alternative elements for the system of judicial appointments for India. This can be an improvement on the existing Collegium system, or an improvement on the NJAC, or any other system.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme****Second Year, Fourth Semester, End Semester (Even-Semester) Examinations, June -2022****PROPERTY LAW**

Time: 2 ½ Hours

Maximum Marks: 30

Instructions: Support your answers with relevant legal provisions, case laws and/or illustrations wherever necessary.

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

1. Jayanagar Municipal Corporation allotted land to a hundred homeless persons before the by-election following the policy of the Government. The land was allotted by way of sale deed. Sudheer is a recipient of one of the plots granted. After receiving an amount of Rs. 10 lakhs from Top Properties Ltd., Sudheer transferred the plot to them by a General Power of Attorney. Top Properties Ltd., sent their agent to register the property in their name. But the Registration office at Jayanagar refused to register it in their name.

Top Properties Ltd., approached you for legal advice. Provide your advice.

2. Gurudev and his brother Sethuram jointly own two houses, Ramanilayam and Lakshminilayam near Thanjavur. Their mother fell sick and they were in urgent need of money. To raise the money for their mother's treatment, they entered into an agreement with Devaram that Devaram shall give them Rs 15 lakhs and in case of failure to repay the amount within 5 years, both Ramanilayam and Lakshminilayam would be considered to be sold to Devaram. With the consent of Sethuram, Gurudev later mortgaged Ramanilayam to Shantharam, another private banker for Rs. 10 lakhs. Since the brothers defaulted in payment of loan amount, Devaram filed a suit for foreclosure of the Ramanilayam.

In the light of the above, identify and explain the type of transfer taking place between Gurudev and Sethuram on one side and Devaram on the other and also

advice Shantharam, who has come to you, regarding challenging the suit filed by Devaram.

3. Mr. Dibyesh is the owner of two properties A and B in Pune. He wants to gift his properties to his twelve-year-old nephew, Rajan. Property A is having a market value of Rs. 50 lakhs with no outstanding outgoing payments and Property B is valued at Rs. 20 lakhs and is burdened with outstanding outgoing payments like revenue, taxes etc.

In light of the same, Mr. Dibyesh approaches you for legal advice about the possibility and requisites for making the gift in favour of Rajan. Provide appropriate legal advice.

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B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme

Second Year, Fourth Semester, End Semester (Even-Semester) Examinations, June-2022

JURISPRUDENCE

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions

1. The Uttarakhand High Court in the Case of *Mohammed Salim V. State of Uttarakhand* in 2014 held that,

“The Rivers Ganga and Yamuna, all their tributaries, streams, every natural water flowing with flow continuously or intermittently of these rivers, are declared as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person in order to preserve and conserve river Ganga and Yamuna.”

Critically analyse the above statement using Hohfeldian analysis of rights.

2. Track the influence of Amartya Sen’s Capability Approach theory in the inclusion and expansion of human rights discourse in Economic Assessment of Development.
3. Mr. Sheldon momentarily hands over his mobile phone to Mr. Leonard while boarding a train. As both were boarding the train, Ms. Penny snatches the phone from Mr. Leonard and runs away.

In this case, to whom does the possession lie, in accordance with Indian Laws?

While answering the question, also elaborately examine the issues in defining the Concept of Possession.

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Second Year, Fourth Semester, End Semester (Even-Semester) Examinations, June-2022

ADMINISTRATIVE LAW

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions:

1. Section 3 of the Bombay Land Requisition Act, 1947 empowered the provincial government to requisition by order, any property for any public purpose. However, the only qualification that the Section mentions is as follows: "provided if in the opinion of the government the requisition was expedient or necessary to do so". By relying upon these facts, answer the following questions:
 - (a) Whether Section 3 of the Bombay Land Requisition Act, 1947 can be seen as excessive delegation?
 - (b) Similarly whether Section 3 can be identified as conferring unguided discretionary powers?
 - (c) Whether the expression "...if in the opinion of the government the requisition was expedient or necessary to do so" requires the government to assume the duty to act judicially? How do you classify this administrative act- whether purely administrative or quasi-judicial?

2. (a) Mr 'X' was the Vice-Chancellor of Dunder University. He had issued a notification for the faculty recruitment and invited applications from eligible and interested candidates. For the purpose of the faculty recruitment, a selection board was constituted consisting of 4 senior professors, 4 Deans and 2 Head of the Departments (HoDs). A date for conducting the interview was finalised.
At the time of the interviews, 2 HoDs had mentioned 2 candidates (namely. 'P' & 'C') were known to them and that they were former colleagues of these 2 HoDs in Mifflin University and hence they would neither award marks for the

interview performance of 'P' & 'C' nor put any questions to them'. On completion of the faculty recruitment process, 'B', 'D', 'P' & 'C' were appointed. The other candidates appearing in the interview had come to know that the 2 HoDs were the former colleagues of 'P' & 'C'. Hence they challenged the recruitment process claiming it suffered from bias. Decide the outcome of the case with special reference to the principle of 'real likelihood of bias'.

(4 Marks)

- (b) The right to a fair hearing need not be applied rigidly in every situation dealing with administrative powers. While deciding an issue of fair hearing, courts must be cognisant of the special circumstances of the cases administrative bodies confront, and the very nature of the bodies themselves. Using examples from existing case law, decide whether you agree or disagree with these statements.

(6 Marks)

3. Critically analyse the relationship between the following with special reference to case law and examples:

(a) Procedural Control of Delegated Legislation, Constitutionalism and Separation of Powers. **(5 Marks)**

(b) Reasoned Decision Making, Fairness and Rule of Law **(5 Marks)**

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.Com. LL.B. (Hons) Degree Programme

Second Year, Fourth Semester, End Semester (Even-Semester) Examinations, June -2022

POLITICAL SCIENCE (Political Theory and Organizations)

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions. Each Answer should not be less than 400 words:

1. *“A relative and regulated liberty, actually operative and enjoyed, is liberty greater in amount than absolute liberty could ever be – if indeed such liberty could ever exist, or ever amount to anything more than nothing at all” – Critically analyse the statement.*
 2. Scientific Socialism, a social philosophy which exerted such a powerful influence on the social, economic and cultural thought of the second half of the 20th century is currently of no relevance nationally and internationally. What reasons would you cite for this and whether this philosophy has any prospects of playing a prominent role in future socio-economic and political development? Why?
 3. *“Force is a physical power and I fail to see what moral effect it can have. To yield to force is an act of necessity, not of will – at the most an act of prudence. In what sense can it be a duty? ... Let us then admit that force does not create rights, and that we are obliged to obey only legitimate powers”- Analyse the statement.*
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons) Degree Programme

Second Year, Fourth Semester, End Semester (Even-Semester) Examinations, June -2022

COST AND MANAGEMENT ACCOUNTING

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions

1. In an Engineering factory, the following particulars have been collected for the three months' period which ended on 31st March, 2007. You are required to prepare Production Overheads Distribution Summary showing clearly the basis of apportionment where necessary.

		Production Departments			Service Departments	
		A	B	C	D	E
Direct Wages	Rs.	2000	3000	4000	1000	2000
Direct Material	Rs.	1000	2000	2000	1500	1500
Staff	Nos.	100	150	150	50	50
Electricity	Kwh.	4000	3000	2000	1000	1000
Light Points	No.	10	16	4	6	4
Asset Value	Rs.	60,000	40,000	30,000	10,000	10000
Area Sq.m.	Occupied	150	250	50	50	50

The expenses for the period were:

Motive power Rs.550; Lighting Power Rs.100; Stores Overheads Rs.400; Amenities to Staff Rs.1,500; Depreciation Rs.15,000; Repairs and Maintenance Rs.3,000; General Overheads Rs.6,000; and Rent and Taxes Rs. 275.

Apportion the expenses of service department E in proportion of 3:3:4 and those of service department D in the ratio of 3:1:1 to departments A, B and C respectively.

2. The following is the Balance Sheet of R Ltd., as on 31st March 2000.

Liabilities	Rs.	Assets	Rs.
Equity share capital	1,00,000	Fixed Assets 3,60,000	
7% Preference share capital	20,000	Less. Depreciation 1,00,000	2,60,000
Reserves and surplus	80,000	Current assets:	
6% Mortgage Debentures	1,40,000	Cash	10,000
Current Liabilities:		Investments	30,000
Creditors	12,000	(Govt Securities @ 10%)	
Bills payable	20,000	Sundry Debtors	40,000
Outstanding expenses	2,000	Stock	60,000
Taxation Provision	26,000		
	4,00,000		4,00,000

Other information:

1. Net sales	6,00,000
2. Cost of goods sold	5,16,000
3. Net Income before tax	40,000
4. Net Income after tax	20,000

Calculate the following ratios 1. Current Ratio 2. Liquid Ratio 3. Proprietary Ratio
4. Debt – Equity Ratio 5. Ratio of Fixed assets to Proprietor's funds 6. Gross Profit Ratio
7. Net Profit Ratio 8. Return on Shareholders' funds 9. Stock turnover Ratio 10. Capital Structure ratio

3. The following shows the balances in condensed form of Pinky Ltd., For the year ended 2007 and 2008.

Liabilities	2007 Rs.	2008 Rs.	Assets	2007 Rs.	2008 Rs.
Creditors	52,000	47,500	Cash and Bank Balances	45,000	45,000
Outstanding Expenses	6,000	6,500	Debtors	38,500	26,500
8 % Debentures	45,000	35,000	Investments	50,000	32,000
Depreciation Fund	20,000	22,000	Prepaid Expenses	500	1,000
Reserves for Contingencies	30,000	30,000	Stock-in-Trade	41,000	53,000
P & L A/c	8,000	11,500	Land & Buildings	77,000	77,000
Share Capital	1,15,000	1,15,000	Machinery	24,000	33,000
	2,76,000	2,67,500		2,76,000	2,67,500

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fifth Year, Tenth Semester, End Semester (Even-Semester) Examinations, June -2022

INTERNATIONAL ENVIRONMENTAL LAW

Time: 2 ½ Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the Following Questions:

1. *"The biodiversity of each country is worthy of preservation and national governments are at liberty to decide its conservation targets to improve the state environment by 2030". -Critically evaluate the measures adopted by the Parliament and the NITI AYOOG on access to genetic resources and promote fair and equitable sharing of the benefits arising from the utilisation of genetic resources.*

2. *"At the COP26 summit in Glasgow, Prime Minister Narendra Modi pledged to cut India's total projected carbon emission by 1 billion tonnes by 2030, and reduce the carbon intensity of the nation's economy by less than 45% by the end of the decade and net-zero carbon emissions by 2070". Having the climate change crisis in mind, analyse India's contribution to achieving the above-said targets to ensure environmental sustainability between generations.*

3. (a) *"Climate change has different social, economic and cultural impact, different generations, income groups, residents and genders including those affected by displacement and the refugee problem." Do you agree? Critically evaluate this statement referring to the international legal framework on climate refugee crisis.* **(5 Marks)**

- (b) *"The WTO Agreements have every right to protect human, animal or plant life and health by taking measures to conserve exhaustible resources". Evaluate the legal status of the unilateral trade measures adopted by the Conference of Parties to the conservation of exhaustible resources also analyze the relevant judicial decisions.*

(5Marks)

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TAMIL NADU NATIONAL LAW UNIVERSITY,
TIRUCHIRAPPALLI

B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fifth Year, Tenth Semester, End Semester (Even-Semester) Examinations, June -2022

LAW AND SOCIAL TRANSFORMATION

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the Following Questions:

1. *“Work for a Cause not for Applause”* – Critically evaluate the need of building up a cause lawyering culture in Indian context citing the social issues which need lawyers to take up pro bono cases.
2. *“Palgar Parishad had a peaceful rally at Gaon commemorating the victory of the Scheduled Caste against the oppressing community during the British rule in India. During the Celebrations there were clashes between dominant caste people and the Scheduled Caste people resulting in a death of a sixteen-year-old boy. The police found that the intellectuals who addressed the Scheduled Caste people are responsible for inciting this violence through their speech and arrested sixteen activists/intellectuals in this regard under the UAPA. They were detained as pre-trial prisoners for more than a year”.* On the above fact critically examine whether the invocation of UAPA is considered as a tool of executive tyranny?
3. *“No Land was ever acquired honestly in the history of the Earth”* – Critically examine the statement analyzing the land reforms in the post independent India quoting relevant case laws.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fifth Year, Tenth Semester, End Semester (Even-Semester) Examinations, June -2022

ADVANCED COURSE ON TRADEMARK LAW

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the Following Questions

1. *“Lack of adequate control or lessening of control over a period of time would be fatal to the distinctiveness of a trademark”*. In this context, critically analyse whether the quality control clauses are necessary for a trademark license? Why?
2. *“If two users of the trademark (or substantially similar marks) were not directly competing with each other, there could be no unfair competition and hence no trademark infringement”* In this context answer the following questions,
 - a. Should preservation of the uniqueness of a trademark constitute the only rational basis for its protection? On what basis, do the Indian courts apply the dilution doctrine in trademark disputes?
 - b. Do you agree with the statement, that the true foundation for dilution doctrine lies in the misplaced fiction of corporate personality, not in alleged economic harms? Why?
3. Mr. Ranjan, a celebrity from India who is popularly called ‘Superstar’ by his fans and followers came to know very recently that his name was registered as domain names like www.superstar.com, www.ssrانjan.in, www.rانjanfans.nz, www.superstarrانjan.net. He has no idea as to who registered his name and title as domain names. It is to be noted that, he registered his name ‘Ranjan’ as a trademark under the Trademark Act, 1999. And his fanbase reported phishing, malware, botnets, etc., in the above-said domain names. Aggrieved by this, Ranjan approaches you to identify the person/s who is misusing his name and title through the above-mentioned domain names as well as to initiate appropriate legal proceedings under trademark law. Advise him as to the legal remedy available.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fifth Year, Tenth Semester, End Semester (Even-Semester) Examinations, June -2022

ADVANCED COURSE ON COPYRIGHT LAW

Time: 2 ½ Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the Following Questions

- Ms. Janu and her friend Ms. Abhinaya were students of Fine Arts at STELLA MARIE UNIVERSITY in Chennai. In 2021, they created a Virtual painting titled "FLAME" using the app TIME SPACH as a part of their final year project. TIME SPACH was an application that helped in creating virtual paintings in 3 D. TIME SPACH also stored all the details of the paintings created using the app. Unless the permission to store in the master servers is not given, the painting cannot be started by any artist.

In 2022 June, Ms. Janu came across an NFT titled SOORYAST, with the name JBED as its creator in www.reflexonft.com. She claimed that the NFT "SOORYAST" was the exact replica of their painting titled "FLAME". Ms. Janu and Ms. Abinaya sued www.reflexonft.com for copyright infringement under Section 51 of the Copyright Act.



image .1 – "FLAME"



image 2. – NFT – "sooryast"

In the light of the above facts decide

- Whether conversion of the 3D painting titled "FLAME" in to a NFT is a fair dealing /adaptation /transformative work /infringement? If so, can www.reflexonft.com be held liable for online copyright infringement?

(5Marks)

(b) Who owns the copyright in case of the NFT "SOORYAST"? Whether license must be obtained from the authors of the 3D painting to convert the painting in to a NFT? (5Marks)

2. Academic publishing has now become a business and copyright is the tool used by the publishers to create paywalls to access the contents published for the welfare of researchers and students. Critically analyse whether Copyright is a right created in the interest of the public or is it a restrictive insubordination of the creators, which helps the academic publishing industry to curtail plagiarism and protect the moral rights of the author.

3.



Sony W Walkman series.

Designer Rakshana Mohan was inspired by the above design of Sony W new Walkman. The advertising campaign of the Sony W series used photos, hoardings, videos, advertisements which showcased the headphone inside a bottle of water. It was merely a sales strategy to prove that the Walkman is water resistant. Designer Rakshana Mohan designed a handbag inspired by Sony W Walkman series.



Hand bag created by Rakshana Mohan

The handbag was manufactured in a square shape in RED < GREEN < YELLOW BLUE colours with an inbuilt water bottle.

Now Designer Rakshana is confused as to which Intellectual property will be more beneficial to her. She approaches you for guidance whether to register for Copyright under the Designs Act, 2000 or under the Copyright Act, 1957. Give your legal opinion to Designer Rakshana.

The following information is also available:

- a. 10 % Dividend was paid in cash.
- b. New Machinery for Rs.15,000/- was purchased but old machinery costing Rs.6,000 was sold for Rs.2,000/- on which accumulated depreciation was Rs.3,000.
- c. Rs.10,000/-, 8 % debentures were redeemed by purchase from open market at Rs.96 for a debenture of Rs.100.
- d. Investments were sold at book value.

Prepare a Cash Flow Statement as per AS -3

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) Degree Programme

Third Year, Sixth Semester, End Semester (Even-Semester) Examinations, June -2022
ECONOMICS - III (Law and Economics)

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (2 x 10 = 20 Marks)

Answer the following questions:

1. Suppose there is a class of automobile accidents in which the injurers are all very wealthy men. The opportunity costs of their time are so great that the expected accident costs are lower than the costs to them of preventing the accidents by driving more slowly, slower driving being the only method by which the accidents could be prevented. In these circumstances, which rule of liability would be more efficient: Strict liability, with no defense of contributory negligence, or No liability at all?
2. Suppose the defendant would not have committed the crime of which he is accused but for the fact that he was brought up in conditions of severe poverty that prevented him from acquiring any marketable skills. Should the crime be excused? Should the punishment be diminished, increased, or left unchanged?

PART – B (2 x 5 = 10 Marks)

Answer the following Questions.

3. Evaluate the following proposition: The standard measure of damages in tort cases is equivalent to the contract standard of reliance damages, and therefore, results in under deterrence of tortious conduct.
4. An attempt to murder, even if he does not hurt his intended victim or anyone else, is usually punished more severely than a successful thief. What is the economic logic of this pattern?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme

Third Year, Sixth Semester, End Semester (Even-Semester) Examinations, June -2022

CORPORATE LAWS - II

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions

1. M/s. Taob Public Limited Company makes a profit of Rs. 100 Crores in the Financial Year 2021-22. The company has made profit for the first time in 3 years and its shareholders were expecting a handsome dividend. But the Board of Directors, through their report and in the Annual General Meeting, announce that the company shall not be paying any dividends to the shareholders for the Financial Year 2021-22. The directors reasoned that the money was required for further investment in Research and Development of the Company.

In the above scenario, do the Directors have the authority to do so?

Answer the above question with the help of legal provisions governing payment of dividends and relevant case laws.

2. Do the minority shareholders have a liability to offer their shares to the acquirer under Section 236 (3) read along with Section 236 (1) of the Companies Act 2013? Discuss with the help of relevant provisions and case laws.
3. "*Auditor is a watchdog, not a bloodhound*". Critically analyse the statement with the help of relevant case laws and the legal provisions governing the functions and liability of statutory auditors towards the company under the Indian Corporate Laws.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme

Third Year, Sixth Semester, End Semester (Even-Semester) Examinations, June - 2022

LABOUR LAW - II

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions

1. Mr. Ramesh and his family were living in the Tiruchirappalli district of Tamil Nadu. They were involved in farming and other agricultural activities. Due to the poor monsoon and yield, they could not get the expected harvest and subsequently had to borrow a sum of Rs. 50,000/- at the interest rate of 12% from one Mr. Rakesh, a financier. He made an agreement with Mr. Ramesh that if he does not pay the amount within 6 months then Mr. Ramesh and his family have to work for him in the place where he instructs them to. Mr. Ramesh due to poverty agreed to the terms and conditions proposed by Mr. Rakesh and availed of the loan. After 6 months Mr. Ramesh could not repay the money. So, Mr. Rakesh wanted Mr. Ramesh and his family to travel to Bangalore and work on the metro rail construction site for which he was acting as a contractor till he repaid the loan amount with interest. Without having any option Mr. Ramesh along with his wife and 2 children aged 10 and 7 agreed to work on the construction site.

Based on the above facts answer the following questions-

- (a) Identify the different types of workers and legislations involved with regard to the above given facts. (2 Marks)

- (b) You are working in an NGO for labour rights. Mr. Ramesh approaches you to help him out of the situation as he and his family are been ill-treated by the site supervisor. Identify the issues in the above problem and give suitable solutions. Substantiate your response with help of decided case laws.

(5 Marks)

(c) What are the rights and entitlements guaranteed to Ramesh under various social welfare legislations? (3 Marks)

2. ABCD is a Matriculation School. The school has two issues with regard to contribution towards provident fund for its employees. The first is with regard to the number of employees and the second is with regard to wage ceiling.

- (i) Nearly fifty teaching and administrative staff were working in the school till March 2020. Due to COVID set back, the staff strength of the school slowly came down in June 2021, to 19 from 50. Now the employer contends that since the staff strength came down from 50 to 19 the management is not liable to contribute.
- (ii) Among the employees, the salary for the teaching staff was Rs. 15,000/- This amount is the total of basic wages, dearness allowance, special allowance and retention allowance. The special allowance is a type of incentive determined based on the cost of living index.

It can be split as follows:

Basic pay-Rs. 8,000/-

Dearness allowance-Rs. 3,000/-

Special allowance-Rs. 3,000/-

Retention allowance-Rs.1,000/-

According to Section 6 of the Provident Funds and Miscellaneous Act, the amount of contribution that can be made to the provident fund scheme is 12% of the total of basic wages, dearness allowance and retention allowance. Accordingly the employer did not include special allowance for the contribution of 12% of wages as envisaged in Section 6 of the Act and the employer contributed only for Rs. 12,000/-

The employees contend that the above said special allowance is in the nature of dearness allowance. Special allowance is determined based on the cost of living index as the relevant factor. Dearness allowance is also determined on the basis of the Cost of living index Hence they contend that special allowance must also be construed as dearness allowance and must be included in the total wages to be calculated for the purpose of provident fund contribution

However, the employer contends that special allowance is an incentive. The incentive may be based on the cost of living index. But incentive cannot be dearness allowance. So incentive cannot be included in the total wages for the purpose of contribution.

Submit arguments in favour of both the employer and the employee for the issues (i) and (ii).

3. This is a case of employees in a seasonal establishment of the employer who owns an establishment involved in the activity of curing coffee. In each calendar year the factory remains closed from the months of June to September. It operates from October till May in the year following. For eg it operated from October 2019 to May 2020.

Now the employer has to fix gratuity for employees who retired during 2020. The Payment Gratuity Act describes that if the nature of employment is seasonal, the employer shall pay the gratuity at the rate of seven days wages for each season during their period of service.

Now the dispute is regarding the period and number of seasons, the employees claim that while fixing the season, every calendar year is to be taken as an unit. So the period of work in a season stood split into two seasons. According to the employees the period of work must be split as October 2019 to December 2019 and Jan 2020 to May 2020. Thereby they are entitled for seven days wages in 2019 and seven days wages for 2020. Altogether it is fourteen days wages. Since the employer maintained the accounting year from January 1 to December 31, the seasons that fall within the accounting year must be taken as one season and the computation of gratuity has to fall in line with the accounting year.

The employer contends that there was only one continuous season starting from October till May of the following calendar year and payment of gratuity for that need not be split. The employer also contends that accounting year is relevant only under the Payment of Bonus Act, 1965 and not for Payment of Gratuity Act, 1975.

Decide by applying relevant provisions of law and judicial decisions.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme****Third Year, Sixth Semester, End Semester (Even-Semester) Examinations, June -2022****CIVIL PROCEDURE CODE**

Time: 2 ½ Hours

Maximum Marks: 30

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

1. Mr. A and Ms. B married each other in the presence of 'kith and kin'. The marriage was solemnized in due form and in the course of time the parties to the marriage were blessed with a child. During the long run, due to an attitude of indifference on the part of one of the parties to the marriage, the other party filed a divorce petition for the dissolution of the marriage and the family court on 01.03.2022 passed the decree thereby dissolving the marriage between them. Against the decree, now the affected party decided to file the appeal. Decide the period of limitation within which the appeal has to be preferred. Refer the relevant provisions under the Family Courts Act, 1987 or the Hindu Marriage Act, 1955. And also decide would it make any difference under Section 29(2) of the Limitation Act, 1963, if during any of the limitation periods the affected party suffered from any legal disability? Decide in detail.
2. Mr. A, a private employee earning Rs. 45,000/- per month executed a promissory note in favour of Mr. B for availing a loan to the tune of Rs. 2,00,000/-. And Mr. A has also promised to repay the entire amount within two years from the date of the execution of the promissory note. But, as promised, Mr. A did not repay the amount. Hence, Mr. B decided to file a suit for the attachment of the salary of Mr. A from his private employer.
 - a. Can Mr. B succeed in his suit? Advise by referring the relevant provisions under the Code of Civil Procedure, 1908. (5 Marks)
 - b. Also decide, in case of execution of a decree, how much amount of Mr. A can be attached? Refer the relevant provisions in the regard. (3 Marks)

- c. Would it make any difference if the execution of the decree is for maintenance of Mr. A's wife? *(2 Marks)*

3. (a) Mr. A, a Christian marries another Christian namely Ms. B under the Christian Marriage Act, 1872. But, they never lived together from day one of the marriage. Hence, after the expiration of one year both Mr. A and Ms. B decided to file a petition under Section 10-A of the Divorce Act, 1869 for the dissolution of the marriage on the ground that they are living separately from the date of marriage and they are not able to live together and they mutually agreed to dissolve the marriage. The court also took the matter into consideration but, subsequently it comes to the knowledge the court as per Section 10-A of the Divorce Act, 1869 as amended in 2001, the party must be living separately for a minimum period of two years. Hence, it decided to dismiss the petition with the liberty to the party to approach the court after minimum stipulated period under the Divorce Act was completed. To which, the parties have contended that the Hindu Marriage Act and the Special Marriage Act have prescribed only one year for the mutual divorce and the prescription of two years for the Christians is violative of Articles 14, 19 and 21 of the Constitution of India. But, unfortunately it has not been so declared by the concerned High Court. In the above situation, examine the relevant provisions available under the CPC for providing justice to the parties.

(5 Marks)

- (b) Mr. A filed a suit against Mr. B. But, on the day of hearing the suit, Mr. A failed to appear before the court. Decide the following by referring the relevant provisions of the CPC: *(5 Marks)*

- (i) Whether the suit filed by Mr. A can be dismissed? If yes, what are the remedies available to Mr. A against such dismissal order?
- (ii) Whether Mr. A will be permitted to file a fresh suit against such dismissal? Decide.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme

Third Year, Sixth Semester, End Semester (Even-Semester) Examinations, June -2022

LAW OF CRIMES – II (Criminal Procedure Code)

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer all the questions in your own words with the help of legal provisions and landmark judicial pronouncements.

1. On 20th December 2021, Jagga committed the offence of theft in one house and on 16th April 2022, he committed house-breaking by night after preparation for wrongful restraint in two different houses belonging to two different persons. He was charged and tried separately for all the offences committed by him. The Sessions Judge of Madurai after taking cognizance of the theft committed on 20th December 2021, transferred the case to the Chief Judicial Magistrate's court for the trial and directed the Public Prosecutor to read and explain the charge to the accused.

In light of the given facts, explain the legality of the procedure of committal and trial followed in the given case with the help of legal provisions and judicial decisions.

2. Ramesh was agent of a firm situated at Behumal district who had to travel to various places for his work. He was employed to sell goods. He sold the goods in different districts such as Panugudi, Cheramal, Dhumai and Kenduri. He misappropriated some money in circumstances making it difficult to say exactly where the various

acts of embezzlement took place. After knowing about the incident officer -in-charge of the nearest police station where the firm is situated entered into the house of Ramesh without warrant. During search they found some of the goods belonging to the firm, consequently they seized and produced the goods before the nearest magistrate.

In the light of above-mentioned facts, decide which court has the jurisdiction to try the case and also explain the legality of the search procedure followed by the officer-in-charge of the Police Station.

3. Mr. Rosh and his close friend Ms. Trudy went for a trip to Lokavala, Pindia and Mr. Rosh went missing. On investigation by the police, Mr. Rosh's dead body was found in mysterious circumstances in one of the lakes in Lokavala. The police arrested Ms. Trudy as the prime suspect and after completion of investigation, she was put to trial before the Sessions Court for murder and the Sessions Court acquitted Ms. Trudy due to insufficiency of evidence. The State did not prefer an appeal but Mr. Rosh's father is not convinced with the Sessions Court verdict and preferred an appeal before the High Court. However, the High Court summarily rejected the appeal citing reason that leave of the court was not taken.

In light of the given facts, determine whether the High Court was justified in rejecting the petition for appeal. Support your answer with appropriate legal provisions and relevant judicial decisions.

Note: Laws in Pindia are parimateria with India.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme

Third Year, Sixth Semester, End Semester (Even-Semester) Examinations, June-2022

ENVIRONMENTAL LAW

Time: 2 ½ Hours

Maximum Marks: 30

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

1. Ramuthan and Ranjanan are *adivasis* from Vippuravam village in Kolli Hills. When they were travelling through the forest they saw 2 black King Cobras fighting with each other. They caught both the King Cobras and took them to train them at home. On their way back home they also saw *Amathusiaphildippus* and *amanicus* which they felt were unusual plants growing in their locality and they uprooted the plants and packed them along with their belongings. On their way home, they also met two of their friends Sunodhan and Seenalan. As it was night time, they decided to camp in the forest itself and made temporary stay places by collecting wines, leaves and branches. Suddenly there was a heavy down pour of rain and they had to make arrangements for a more comfortable stay. They stumbled upon an old cave and when they entered the cave for shelter they saw many dead animal remains including an elephant whose tusk was still lying around, and a deer with its antlers attached to its rotting body. They took the tusk and the antlers. After the rain stopped, they came out of the cave. But they were attacked by a group of hyenas and wild pigs. They used a special flower spray made from the *najurevam* flowers and as a result of which the hyenas and the wild pigs became unconscious. Out of the 4 wild pigs which attacked them they took 3 pigs to their village to feast upon. The next day the whole village of Vippuravam feasted upon the 3 wild pigs. The forest officials entered the village and arrested Ramuthan, Ranjanan, Sunodhan and Seenalan. They also stated that the whole village has committed offence under Wild life Protection Act, 1972 by feasting on 3 wild pigs.

- (a) Decide whether the acts of the villagers and Ramuthan, Ranjanan, Sunodhan and Seenalan can be considered as offences under the Wild Life Protection Act, 1972. (3 Marks)

(b) State and mention the complaint procedure under the Wild Life Protection Act, 1972. (3 Marks)

(c) Explain the power of the Court and punishments for the offences committed. (4 Marks)

2. Uthamapalayam is a small village located in Tiruchirappalli District. In 2009, M/s. XYZ Ltd., and M/s. RST, hydrochloric acid and sulphuric acid manufacturing industries, were established. The industries used to dump the sludge in a lake which was the water source for the whole village. Gradually the water source became contaminated, the lake started stinking and all the aquatic animals died. The villagers could not bear the stench, hence they complained to the Tamil Nadu Pollution Control Board (SPCB) in 2010. But the industry authorities, cleaned the water source. But after 2011 the industry authorities started purchasing agricultural lands by paying thrice the amount and started to dump the sludge in those purchased lands. Due to the chemical dumping in the open space the chemicals percolated in the air, water, soil etc. The groundwater table and soil were also severely contaminated. As a result, the entire agricultural activity in the village came to a standstill. Further the cattle were also affected by drinking and grazing from the contaminated water and soil.

Having read the above facts, decide whether M/s. XYZ Ltd., and M/s. RST can be held liable for their activities. Also evaluate the role of SPCB in preventing and controlling water pollution referring to the Water Prevention and Control of Pollution Act, 1974.

3. BelieveUs-CreateNature (BUCN), a NGO has procured the blueprint of the ORCA plant from Climeworks company. ORCA is a plant that captures CO₂ emissions and is installed in Iceland, and also successful in its functioning. BUCN has set up a similar plant 'Mini ORCA' in India and it proved successful in capturing CO₂. As a result, Particulate Matter (PM) in the most polluted city in India reached a balanced level. Having the efficiency of Mini ORCA in mind, the other Indian states have also installed the plant. In one of the Indian states, Mini ORCA failed and it caused a disaster. MOEFCC has issued a notification stating that the industries and vehicles with idle emission control equipment are to cease functioning immediately and the licenses will be revoked. The Industry Association of India filed a PIL challenging the notification and simultaneously, NGT has also initiated *suo moto* petition against BUCN for the failure of ORCA.

Having the above situation in mind,

- a. Elucidate on the PIL in the Indian Environmental Jurisprudence. (5 Marks)
- b. Critically comment on the powers and functions of the National Green Tribunal in providing expeditious remedy for environmental pollution. (5 Marks)

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons) Degree Programme

Third Year, Sixth Semester, End Semester (Even-Semester) Examinations, June -2022
FINANCIAL MANAGEMENT

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (30 Marks)

Answer the following questions

1. You are an average investor and wish to know the expected rate of return of your proposed investment under the CAPM model. The last 10 days' daily returns of any one of the mutual fund schemes and the BSE Sensex may be used for that purpose.
 (Note: please mention the source of the data that you have used for this purpose in the answer script). (20 marks)

2. Vaigai Ltd., has the following balance sheet and Income Statement information:

Balance Sheet as on March 31st 2022

Liabilities	Rs.	Assets	Rs.
Equity Share capital (Rs.10 per share)	10,00,000	Buildings,	8,00,000
10% Debenture	5,00,000	Plant & Machinery	10,00,000
8% Secured Loan	5,00,000	Debtors	3,00,000
Reserve and Surplus	1,00,000	Cash at Bank	2,00,000
Creditors	2,00,000		
	23,00,000		23,00,000

Income Statement for the year ending March 31st, 2022

Particulars	Rs.
Sales	5,00,000
Less: Operating expenses (including 5% depreciation on fixed assets)	2,90,000
EBIT	2,10,000
Less: Interest	90,000
Earnings before tax	1,20,000
Less: Taxes	36,000
EAT	84,000

If total assets remain at the same level, but sales (i) increase by 25 per cent and (ii) decrease by 25%, compute the earnings per share at the new sales level?

(5marks)

3. The Board of Directors of a company wishes to follow the MM approach to design its dividend policy. As a financial adviser of the company, what would your suggestion be and why would you suggest it?

(5 marks)

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fourth Year, Eighth Semester, End Semester (Even-Semester) Examinations, June -2022

LAW OF INSURANCE

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions in your own words.

1. Harish is a software engineer, married to Madhu, and has a son. He had taken a life insurance policy on his own life in 2010 with Oriental Life Insurance Company. The policy was specifically for the benefit of his wife and son in case anything happens to him. Harish also registered the Married Women's Property addendum and Madhu as his nominee while taking the policy. He paid the premiums regularly. An unfortunate accident took Harish's life away in 2021. Due to certain financial needs, Harish had taken a loan from his friend Aditya in 2019 which was unpaid. After Harish passed away, Aditya claimed to be paid out of the proceeds of the life insurance policy from the insurer.

With reference to the above situation, answer the following questions using relevant legal instruments and cases.

(a) What is the legal status of a nominee in life insurance? (5 marks)

(b) Who is entitled to receive the benefits of the life insurance policy of Harish?

(5 marks)

2. The *MV Grace* is a ship owned by Helen Shipping Co. Ltd. *MV Grace* was insured with Mutual Marine Insurance Co. Ltd. for a value of Rs. 1.5 Crores. The policy covered the voyage of *MV Grace* from Chennai to Hong Kong through Singapore and Vietnam. The ship was carrying bulk cargo of cotton, shipped by Emerald Cotton Co. The cargo was insured by Emerald Cotton Co. with Mutual Marine Insurance Co. Ltd. The voyage began on 5th May 2022. On 20th May 2022, there was a heavy storm when the ship was halfway through Vietnam due to which it sustained damage to the hull. When the ship reached Vietnam on 23rd May 2022, she required repairs. But the ship left the port without undertaking repairs in order to deliver the cargo on time. While nearing Hong Kong on 25th May 2022, *MV Grace* collided with another ship leading

to partial damage to the ship. The ship managed to reach Hong Kong on 26th May 2022 and discharged the cargo. It was found that the cotton was damaged by seawater entering the cargo holds due to the heavy storm. Helen Shipping Co. Ltd. and Emerald Cotton Co. each raise a claim with Mutual Marine Insurance Co. Ltd.

Decide the claims based on relevant legal principles and cases.

3. Gautham is a 45-year-old man with a family of 5 members, including his parents, wife, and daughter. In 2019, Gautham took a group health insurance policy for his family with Sunlife Health Insurance Company Pvt. Ltd. (SHIC), an insurer registered and licensed by the Insurance Regulatory and Development Authority of India (IRDAI). Gautham has been regularly paying the insurance premiums on time. The group health insurance policy is renewed every year. In 2022, Gautham's father had to be hospitalized due to a heart attack. Gautham raised a claim with SHIC for medical expenses and post-hospitalization expenses. But SHIC repudiated the claim on the ground that it was only for the first heart attack that insurance coverage is available. However, Gautham's father had never got a heart attack. It was Gautham's mother who had to be hospitalized due to a heart attack in the previous year. SHIC erroneously rejected the claim and did not respond to Gautham's clarification.

Critically analyse the legal recourses available to Gautam under the Indian legislative and regulatory framework.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme

Fourth Year, Eighth Semester, End Semester (Even-Semester) Examinations, June -2022

INTERNATIONAL COMMERCIAL ARBITRATION

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions:

1. The students of Pale University had a debate competition wherein Team A, was arguing that the Principle of Separability in Arbitration is directly linked to the Principle of *KompetenzKompetenz* in Arbitration and Team B, was arguing that the Principle of Separability is not in any manner linked to the Principle of *KompetenzKompetenz*. If you were to take one of these two sides, which side will you take and why? Examine in detail with relevant legal principles, International Conventions and case laws.
2. M/s. Toshima Pvt. Ltd., a Japanese X-Ray Machine Manufacturing Company supplied X-Ray machines to M/s. Shivam Pvt. Ltd., under a Distribution Agreement which had an arbitration clause. M/s. Shivam Pvt. Ltd., procured the machines and paid the amount in instalments. One of the clauses in the Agreement was that the machines will be seized if instalments were not paid on time. Consequently, M/s. Shivam Pvt. Ltd., defaulted in making payments and M/s. Toshima Pvt., Ltd initiated arbitration proceedings against M/s. Shivam Pvt. Ltd., M/s. Shivam Pvt. Ltd., in turn filed a case in the Court in Japan which had jurisdiction to grant an interim stay against seizing the machines since there was a delay in constitution of the Arbitral tribunal. M/s. Toshima Pvt. Ltd., objected to such interim stay and claimed that any action should be brought only to an Arbitration forum. Explain the remedies available for M/s. Toshima Pvt. Ltd., with relevant principles, statutes and conventions related to arbitration.
3. International Arbitration is governed by law of the place in which it is held (Forum or *Locus arbitri*) as opposed to detaching it from the venue in which it is conducted. Critically analyse the above statement with relevant legal principles and International Conventions.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fourth Year, Eighth Semester, End Semester (Even-Semester) Examinations, June -2022

ELECTION LAW

Time: 2 ½ Hours

Maximum Marks: 30

Instructions:

- a. Writelegibly. Your answers must be relevant and cogently argued.
- b. *The problem based questions should be preferably answered in the Issues-Research-Analysis-Conclusion (IRAC)method by quoting relevant legal provisions and judicial precedents.*
- c. All the questions should be answered by quoting at least three relevant precedents and/or illustrations.
- d. All questions are compulsory. You are directed strictly to sfollow the Question Number as given in the Question Paper.

PART – A (3 x 10 = 30 Marks)

- 1 Explain the term '*Office of Profit under the Government*' by quoting precedents and relevant provisions from the **Constitution of India, 1950** and other Union and State legislations on office of profit. Does the Election Commission of India (ECI) have any role to play in adjudicating issues relating to office of profit when compared to the Governor of a State or the President of India? Discuss whether the following persons can be disqualified as elected representatives for holding office of profit.
 - 1.1 Chairperson of the National Film Development Corporation of India, Mumbai.
 - 1.2 Vice – Chancellor of a National LawUniversity.
- 2 Comment on each of the following statements about the status of Indian political parties and election symbols, whether they are 'correct' or 'incorrect'. Substantiate your answer with detailed and cogent reasons by quoting relevant legal provisions and judgments:
 - 2.1 *The Representation of the Peoples Act, 1951* clothes the ECI with statutory powers to register as well asde-register a political party.

2.2 According to the *Election Symbols (Reservation and Allotment) Order, 1968*, 'registered but unrecognised political parties' also have the right to demand permanent election symbols from the ECI.

3 Write critical legal comments with specific examples:

3.1 Whether the procedure adopted and the recent final report submitted by the three member Jammu and Kashmir Delimitation Commission satisfies the boundary delimitation standard of '*transparency*' as proposed by Dr. Lisa Handley?

3.2 Right to Vote in India – Whether it is Statutory, Constitutional or a Fundamental Right?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fourth Year, Eighth Semester, End Semester (Even-Semester) Examinations, June -2022

SOCIO ECONOMIC OFFENCES

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30Marks)

Answer the following questions in your own words.

1. Mr. Raju was a food grain dealer in Bargarh, Odisha. In 2021 October, during the cyclone, he was charged in the Additional District Magistrate's Court with possessing 10 quintals of rice for the purpose of sale without a license. Mr. Raju also was charged with violating Section 7 of the Essential Commodities Act, 1955. Following that, Mr. Raju said there was no intent to break any laws, and the grains were stored after filing an application for a license and believing it would be granted to him. The appellant also asserted that he continued to make returns to the respected authority on the food grains he had stored and purchased. Examine the criminal liability of Mr. Raju referring to the relevant provisions and judicial decisions.
2. Baiju, a 16-year-old native of Hatibadi, a small town, worked as a daily wage labourer for a construction company in the town. One day while returning home from his work, he met an unknown person who offered him a job as a courier boy. Baiju accepted the offer since he was unhappy with his existing job. He joined as a courier and carried a few packets to various destinations every day. After 2 months, the local police detained him and found him with 5 grams of cocaine, having received confidential information that he was involved in drug trafficking. Baiju maintained his innocence throughout the police questioning and claimed that he had no knowledge about the packets he was carrying. Examine the criminal liability of Baiju with the help of judicial decisions.

3. “While on the one hand globalization has triggered easier and faster communication, movement of finance and international travel, it has also created opportunities for criminal groups to flourish, diversify and expand their activities. Organized crime today affects all States, whether as countries of supply, transit or demand. As criminal networks span the globe, efforts to combat them must likewise cross borders so as to ensure that organized crime networks do not simply divert their activities to countries or regions where weak cooperation means weak criminal justice responses”.

In the light of the above paragraph suggest suitable measures to combat transnational organized crime.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fourth Year, Eighth Semester, End Semester (Even-Semester) Examinations, June -2022

GENDER JUSTICE AND FEMINISM

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)**Answer the Following Questions**

1. *"A better Democracy is a Democracy where Women do not only have the right to vote and to elect but also to be Elected"* – Critically examine this statement on the present political participation of women in India and the relevant legislative framework that facilitates women's political participation.
2. *"Vanita a junior college girl is from a rural background. She is very studious and ambitious girl. Once she was on her way to her college, Buntu and his friends teased her. This continued for few days, after which Vanita reported it to her parents and her parents with the help of the Village head made a compromise between Vanita's family and Buntu's family citing that it is a trivial matter and it's the nature of the young boys to tease young girls. The village head advised Buntu and his friends not do indulge in such activities in the future. But Buntu and his friends did not mend their ways. Vanita was harassed again and again, which finally drove her to commit suicide"* – In the light of the above facts critically examine street violence citing relevant laws and judicial decisions.
3. *"If Women are expected to do the same work as men, we must teach them the same things"* – critically examine the gender discrimination in recruitment and in workplace.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fourth Year, Eighth Semester, End Semester (Even-Semester) Examinations, June-2022

MEDIA LAW

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30Marks)

Answer the Following Questions:

1. *“Margarita Simonyan, the Editor in Chief of RT (the former Russia Today), revealed what she thinks in a Russia One TV broadcast when she said, ‘no great nation can exist without control over information.’ The creation of media weaponry and polarisation in authoritarian countries eliminate their citizens’ right to information but is also linked to the rise in international tension, which can lead to the worst kind of war. Domestically, the ‘Fox News-isation’s of the media poses a fatal danger for democracies because it undermines the basis of civil harmony and tolerant public debate. Urgent decisions are needed in response to these issues, promoting a New Deal for Journalism, as proposed by the Forum on Information and Democracy, and adopting an appropriate legal framework, with a system to protect democratic online information spaces.”*

-RSF Secretary-General Christophe Deloire.

Having the statement of the RSF Secretary in mind, elucidate media polarisation and information warfare in the Indian social media.

2. Mr George, a reputed journalist owns a TV channel, a weekly Journal and a YouTube channel (with 2 million subscribers). Upon listening to an obscene song by a famous hip-hop singer on the radio, George has decided to file a suit against the singer for violating the moral standards of society. He filed an additional case against the radio agency for violating the legal and regulatory norms. Moreover, Mr George writes an abusive article in his journal targeting the ruling party for setting up the poor moral standards of the society and Journalism. The said article has been shot as an Interview Program and released on his TV and YouTube channel. Political leaders and the other supporters filed a case against George for his violation of Journalistic conduct and violation of various regulatory codes by media channels in addition to the charge of sedition. As a media law counsel, interpret the following,

- a. Defend Mr George in the case filed by him against the singer.
 - b. In the suits filed against George, defend Mr George against the suppression of the constitutional foundations of media law, press freedom and sedition.
 3. Having the International instruments in protecting Journalism and Journalists in mind, interpret the fear of censorship witnessed in various media sectors in India and China.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fourth Year , Eighth Semester, End Semester (Even-Semester)Examinations, June-2022

HUMAN RIGHTS LAW

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the Following Questions:

1. While human rights are for everyone, persons with disabilities face several hurdles in realizing their basic rights. Given this situation, critically evaluate the nature of state obligation concerning the Rights of Persons with Disabilities with a special reference to the right to social security and health care. You may make use of the relevant general comments from the human rights treaty bodies to strengthen your response to this question.
2. As a student of international human rights law, what parameters would you apply to find the gaps between the international human rights standards and the Indian legal system concerning the protection of human rights?Also, suggest how the said gap may be reduced.
3. Mr 'X' had served as the Assistant Manager at ABC nationalized bank until his retirement. In January 2018, 'X' is aged about 62 years and owing to his family situation, he started searching for a job suitable to his field, experience and skills. He had applied to both private and public offices. He continued to make this effort till March 2022. Thereafter, being disappointed, he chose to file a case against the State that his right to work, and right to livelihood, dignity, social security and health were violated. He claims that these rights are core obligations under the International Covenant on Economic Social and Cultural Rights, 1966. Is this case maintainable? Comment with the help of reasons.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme

Fourth Year, Eight Semester, End Semester (Even-Semester) Examinations, June-2022

LAW ON SECURITIES

Time: 2 ½ Hours

Maximum Marks: 30

Instructions:

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

PART – A (3 x 10 = 30 Marks)

Answer the following questions:

- The concept of '*unpublished price sensitive information (UPSI)*' has undergone significant changes with the passing of the *Securities and Exchange Board of India (SEBI) (Prohibition of Insider Trading) Regulations, 2015*. Critically comment on this statement by analysing the judicial trends of SEBI/Securities Appellate Tribunal (SAT)/Supreme Court since 1992 onwards for interpretation of the phrase '*UPSI*'. Explain with cogent and detailed reasons whether the following information is *UPSI* or not?
 - Amalgamation discussion between Zomato & Swiggy and speculative news items about the same in some social media pages.
 - Informal circulation through WhatsApp about the estimated profits and turnover of certain public companies prior to a formal announcement of their financial results.
- A Writ Petition was filed before the Kerala High Court by a multinational auditing firm Asian Professional Auditors (APA) challenging a 'show cause notice' issued to them by SEBI. This pertains to APA's audit of an Indian entity called *Sundaram Laptops Services*

Limited (SundaramLtd.) and their alleged failure to detect financial wrongdoing within the company of substantialmagnitude that in turn resulted in massive losses to the various classes of shareholders of Sundaram Ltd. The financial wrongdoing which was publicly known as the 'SundaramScam' included overstatement of cash and bank balances, non-existent accrued interest, overstated debtor position *et.al.*

SEBI's show cause notice sought to initiate action against APA under the relevant provisions of the SEBIAct, 1992 and other SEBI Regulations. SEBI was of the considered opinion that APA had violated its fiduciary obligations owed towards the shareholders and other stakeholders of Sundaram Ltd and they have acted as a vehicle of fraud. However, APA contends that SEBI lacks the jurisdiction and powers to initiate action against their auditors who are merely discharging their duties as professionals.

According to APA, any action against them for their alleged role in the scam can only be initiated by the statutory regulator for auditors, i.e., Institute of Chartered Accountants of India (ICAI). They also contended that they do not owe any fiduciary responsibilities towards any stakeholders of SundaramLaptopsand they cannot be considered as intermediaries between Sundaram Ltd., and its investors.Decide the case by quoting relevant legal provisions and judicial precedents.

3 Comment on each of the following statementswith respect tothe regulations passed by SEBI, whether they are 'correct' or 'incorrect'. Substantiate your answer with detailed and cogent reasons by quoting relevant legal provisions and precedents:

3.1. As per SEBICreditRatingAgencies (CRA) Regulations, 1999, once an agreement to provide rating services is entered into between a CRA and its Client Company, the same cannot be terminated later. (5 Marks)

3.2. Front running activities by non-intermediaries is prohibited under the current SEBI (ProhibitionofFraudulentandUnfairTradePracticesRelatingtoSecuritiesMarket) Regulations, 2003. (5 Marks)

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme

Fourth Year, Eight Semester, End Semester (Even-Semester) Examinations, June-2022

BIOTECHNOLOGY, GMOS AND THE LAW

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions:

1. Article 27 (3) of the TRIPS Agreement States, '*Members may also exclude from patentability*' and specifically coming to Article 27 (3) (b), "*plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes*" are excluded from patentability.

Given the fact that the term 'may' is used, ambiguity and uncertainty exists across jurisdictions. For example, the European Union and the United States have granted patents for the Transgenic mouse but the same got rejected in Canada.

Therefore, the way out is to suggest an amendment to the opening lines of Article 27 (3) which will read like this, '*Members shall exclude from patentability...*' which will sound like an absolute prohibition.

Critically evaluate the effectiveness of the proposed amendment and the consequences of having the amendment and on the other hand leaving the provision as it is, explain with cogent reasons.

2. The Indian Legislative framework relating to Biotechnology is ill equipped. Even though there are scattered piece-meal legislations, they are not adequate to counter the challenges posed by Genetically Modified Organisms (GMOs), issues surrounding Biosafety, Bioethics among others. And again, multiple ministries in the Government of India through varied rules, regulations, guidelines and orders have touched upon the issue of GMOs thereby posing a greater challenge to cooperation among the variouz authorities involved in the entire regulatory process.

(a) Discuss the above proposition. Do you agree?

If yes, critically evaluate the possibility of legislative and administrative integration.

If no, suggest constructive solutions to enhance the efficiency of the Indian Regulatory system vis a vis Biotechnology.

(5 Marks)

(b) The Indian Legislative framework with regard to Traditional Knowledge and Benefit Sharing vis a vis Biotechnology has not been effective enough so as to address the concerns of Indigenous communities. Examine the way forward.

(5 Marks)

3. *'What do genetically modified seeds have to do with democracy?' 'Everything,'* answers Frances Moore Lappe. He goes on to add, *'none of us called for genetic manipulation of seeds. No not one of us said, yes, this new technology will benefit me, my family and my community. Yet today most of us are eating them, while kept completely in the dark as to the hazards we may be facing for ourselves, our children and the farming ecosystems on which our lives depend;'* Going by the argument of Frances Moore, the issues surrounding GMOs is infringing upon the entire ideal of democracy as majority of the citizens/people have been left out of the entire decision making process.

(a) In this backdrop, comment on the opinion of Frances Moore.

(5 Marks)

(b) The money minting, profit oriented Biotech entities have led to the creation of various Genetically Engineered organisms/varieties that have resulted in the Genetic Contamination ultimately leading to innocent farmers being sued by Biotech Companies.

Comment on the above proposition with suitable incident(s) from India or abroad.

(5 Marks)

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme****Fourth Year, Eight Semester, End Semester (Even-Semester) Examinations, June-2022****CLINICAL - II (DRAFTING, PLEADING AND CONVEYANCE)**

Time: 2 ½ Hours

Maximum Marks: 30

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

1. Section 3 of the Drafting of Law in Plain Language Bill, 2018 states that “*Every ministry and department of the Government of India shall strive to draft laws in plain language to the largest possible extent to ensure that the implications and purpose of the law are understood by the widest possible audience.*” Explain with example ANY FIVE techniques of “plain language drafting” by which the above vision can be successfully executed.
2. Vincent is a freelance photojournalist working with underprivileged children in the slums of Chennai. On 22 May 2022, while randomly browsing the internet, he came across an Instagram page that has reposted his photographs without his knowledge, permission or credits. Vincent believes this has infringed his intellectual property rights and seeks legal counsel. Draft a short Opinion Letter advising Vincent about his next course of action.
3. Revanth and Rukmini are a newly married couple living in Madurai. After Revanth lost his job in 2020, Rukmini became the sole earning member of the family, a fact which apparently added to Revanth’s increasing depression and ultimate suicide on 1st June 2022. Considering Rukmini was the only person present in the house at that time, draft an Anticipatory Bail Application for Rukmini under Section 438 of the Criminal Procedure Code, 1973.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fifth Year, Tenth Semester, End Semester (Even-Semester) Examinations, June -2022

HEALTH CARE LAWS

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the Following Questions:

1. *“There are two areas that are changing - these are information technology and medical technology. Those are the things that indicate that the world will be very different twenty years from how we know it today.” - Bill Gates*

Comment on the above statement.

2. “Providing that adequate medical facilities is an essential part of the obligation undertaken by a welfare state. The Government discharges this obligation by running hospitals and health centres. Article 21 imposes an obligation on the State to safeguard right to life of every person.” With the help of decided cases explain State’s obligation with respect to Right to Health.

3. Ms. Indu, a 44-year-old unmarried female consulted her doctor and was advised to undergo a laparoscopy. A few consent forms were taken from her of which one was for admission and another one was for the surgery. The relevant one among such consent forms gave the doctor an allowance to carry out “diagnostic and operative laparoscopy” and there was an additional endorsement that a laparotomy may be needed”. When the patient was in the operation theatre (and was unconscious), another proxy consent was taken from her attending mother for a hysterectomy. Her uterus, ovaries and fallopian tubes were removed.

Decide the Liability of the Surgeon if any. Explicate the Concepts of ‘Consent and Confidentiality’.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Fifth Year, Tenth Semester, End Semester (Even-Semester) Examinations, June -2022
LAW OF INTERNATIONAL CARRIAGE OF GOODS BY SEA

Time: 2 ½ Hours

Maximum Marks: 30

PART – A (3 x 10 = 30 Marks)

Answer the following questions in your own words:

1. Mr. Simon is engaged in the business of production of wireless electronics. His business has gained traction and is in demand in many countries. Mr. Simon does not have the resources to own a ship and wants to charter ships on a voyage basis with multiple regional shipping companies.

Advise Mr. Simon on what legal obligations he will be bound by through a voyage charter party. Cite relevant judicial decisions.

2. Star Shipping is a company solely owned by Mr. Soren. Star Shipping took a time policy with Marsh Insurance Co. to insure their vessel "MV Byeol" for a period of 1 year (1 Jan 2022 to 31 Dec 2022). *MV Byeol* usually trades scrap iron in the Baltic Sea region from Poland to Helsinki via Stockholm, to undertake its usual repairs in the Stockholm repair yard. Scrap iron trade is a valuable one, though it is known to be combustible if seawater is present in the cargo hold. Thus, fire safety equipment on board was installed. On 30 April 2022, *MV Byeol* began its journey carrying scrap iron, shipped by Star Industries, an entity also owned by Mr. Soren. The scrap iron was also insured with Marsh Insurance through a voyage policy. Mr. Soren instructed the master to proceed directly to Helsinki without recourse to Stockholm despite knowing the situation on board *MV Byeol* that at the beginning of the voyage, there was insufficient crew on board the vessel and the fire safety equipment had broken down. Seawater entered one of the cargo holds due to rupturing of the ballast water tank by scrap iron, leading to a fire in that cargo hold. There was partial damage to the vessel and the scrap iron in that hold was destroyed.

What is the liability of Marsh Insurance Co. with respect to the vessel and cargo? Explain with relevant legal principles and judicial decisions.

3. Universal Shipping is one of the largest ship-owning companies. Their vessels were available to charter on all continents. Zorin Shippers time chartered the vessel *MV Endurance* from Universal Shipping for a duration of 6 months on the NYPE 2015 standard form. Zorin Shippers used the vessel *MV Endurance* to carry their own cargo and third-party owners' cargo. The time charter party contained an arbitration clause "ARBITRATION, IF ANY, IN DUBAI UNDER ENGLISH LAW". On one occasion during the pendency of the charter party, Zorin Shippers entered into a contract with Joshi Jute Corporation (as the consignee) to carry jute from Cape Town to Cochin and issued an order Bill of Lading (B/L) to that effect. The B/L contained a general clause incorporating the terms of the charter party into the B/L as follows:

"This shipment is carried under and pursuant to the terms of the Contract of Affreightment/Charter Party dated 10th February 2022 between *Universal Shipping* as Owner and *Zorin Shippers* as Charterers, and all conditions, Liberties, and exceptions whatsoever of the said Charter apply to and govern the rights of the parties concerned in this shipment..."

Joshi Jute Corporation had transferred the B/L to Oriental Bank in exchange for a loan to finance the shipment. Universal Shipping, being the performing carrier, delivered the cargo to Joshi Jute Corp. without seeking the presentation of the B/L. Oriental Bank sued Universal Shipping for breach of duty as a carrier. Universal Shipping sought a stay of the admiralty action to initiate an action in Arbitration.

What is the right course of legal action to resolve this dispute? Explain with relevant legal principles and judicial decisions.