



TAMILNADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS



SPECIAL REPEAT EXAMINATIONS,
SEPTEMBER -2021

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

INTERPRETATION OF STATUTES

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 marks)

Answer the following questions:

1. It is said, "Certainly, the judges are required to interpret the instruments of law by relying upon the 'text' and 'context' presented before them". As per this view, judges must accord a suitable meaning to the words of the statutes to remedy any ambiguity or vagueness only after determining the legislative intent and purpose of the Act. However, in the literature on Interpretation of Statutes, some questions are raised on both the process and the possibility of ascertaining the legislative intent. How do you view the process of ascertaining the legislative intent- Can it be considered a myth? Or do you agree that the judges do ascertain the legislative intent? Comment with the supporting reasons and illustrations.

2. Sec. 2 ((7) of the Consumer Protection Act, 2019 defines the expression consumer as follows.

"consumer" means any person who— (i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment, when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or (ii) hires or avails of any service for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such service other than the person who hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person, but does not include a person who avails of such service for any commercial purpose.

Explanation: For this clause, (a) the expression "commercial purpose" does not include use by a person of goods bought and used by him exclusively to earn his livelihood, using self-employment; (b) the expressions "buys any goods" and "hires or avails any

services" includes offline or online transactions through electronic means or by teleshopping or direct selling or multi-level marketing)

Examine the nature and role of this 'explanation' clause besides explaining the differences between the 'definition clause' and 'explanation clause'. Can the 'explanation clause' be categorized as exhaustive or non-restrictive using the typology followed for the 'definition clause'? Comment with reasons.

3. The Government enacts legislation titled "Safety in the Public Parks Act, 2021" prohibiting the entry of all vehicles to ensure clean air and safety of individuals in the public parks. The key expressions used in describing the purpose of the said legislation are "entry of vehicles"; "public parks"; "clean air"; and "safety of individuals". However, these expressions are not defined in "Safety in the Public Parks Act, 2021". Hence, a few important questions are referred for a legal opinion. As a legal advisor in the matter, you are required to advise your client on the following points:
- How to understand words in the statute if their legal meaning is not provided by the Legislature?
 - Whether the expression 'prohibition of the entry of vehicles' subsists all types of vehicles in it? Do you consider strollers, ambulances, bicycles, battery operated cars and remote toy cars as prohibited vehicles under the Act? Opine with reasons.
4. (a) **Scenario 1:** Mr Gundappa being the president of a residents' association in Indiranagar, a place in which Ms Belly chose to reside after being recruited for her work, desired to visit Ms Belly's residence to welcome her into the locality. Ms Belly had owned 5 cats as her pets(registered as per the Control of Domestic Animals Act 2021 (see below)). As required under the Act, Ms Belly had placed her pets in a fenced area that formed a portion of the garden of her house and had left for her work by 8.30 am. Mr Gundappa assuming that Ms Belly would leave for her work by 9.30 am he reached her house by 9.15 am. He was shocked to see that the pet animals owned by Ms Belly were freely moving near the main gate.
Can Ms Belly be punished under the Act? What techniques and rules of interpretation would you employ in deciding this question? Comment with the supporting reasons.

(b) **Scenario 2:** Mr Gem accompanied by his pet dog 'maggie' used to go for a daily walk in the neighbouring park. On 12.09.2021, Mr Gem after reaching the neighbouring park he tied 'maggie' to a nearby pole as he chose to do skipping. However, 'maggie' escaped after some time from the rope that he was tied with and jumped on a child playing nearby out of affection. The child enjoyed playing with 'maggie' for about twenty minutes. But the parent of the child complained against Mr Gem.
As a presiding officer in the case, decide Mr Gem's liability with reasons. Also, explain the process of interpretation that you would follow in deciding the present case.

To answer question no.4, rely upon the following enactment.

Name of the Act: The Control of Domestic Animals to Prevent Injuries to Children and Vulnerable Citizens Act, 2021

Commencement and Application: The Act has come into force w.e.f 12/2/2021 and it applies to the entire country.

Sec.1 This Act may be called the Domestic Animals Act, 2021

Sec. 2 Interpretation

In this Act, unless the contrary intention appears

- (a) 'Domestic Animal' means dog, ferret, mouse, pig, horse or other pet*
- (b) 'Owner' includes registered owner/any person in possession of the domestic animal, where a minor owns a domestic animal, the parents or guardians of the minor will be deemed to be the owner*
- (c) 'Retrained' means chained or secured on a lead or attached to the affixed object*
- (d) 'registered owner' means the adult person who had registered the domestic animal*

Sec. 3 All domestic animals shall be registered and controlled by the owners

Sec.4 The owner of the domestic animal in a metropolitan area shall restrain the domestic animal at all times

Sec.5 Offences and Penalties

The jurisdictional magistrate shall take cognisance of the offences under this Act.

- (a) Any person in possession of unregistered animals shall be guilty of an offence under this section and shall be liable to pay a fine of Rs. 50,000*
- (b) Any violation of Sections 3 & 4 shall be punishable with a penalty of Rs. 50,000*

PART B (4x5=20)

5. Describe any three important factors that influence the judicial minds in the process of interpretation of statutes.
 6. How to evaluate the value addition of the Golden Rule over Literal Rule? Explain with the help of a suitable illustration.
 7. Write short notes on the following:
 - a. 'Illustration clause'
 - b. 'Saving Clause'
 8. How do you describe the meaning and importance of the 'proviso' clause in a statute? Can a 'proviso' clause be given primacy over the main provision in case of a mutual repugnancy? Explain.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

LAW OF DIRECT TAXATION

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions:

1. The Central Government acquires a house property owned by 'X' in October 2018. The property was purchased by 'X' in April 2010 for Rs. 7,60,000/-. The cost of improvement incurred during 2015-2016 was Rs.2,00,000/-. The Govt. awarded Rs. 18,00,000/- as compensation which is received by him in April 2019. Being aggrieved by the award, 'X' filed an appeal. The court as per the order in 2020 enhanced the compensation Rs. 20,00,000/-. 'X' received the additional compensation in Feb 2021 He spent Rs one lakhs for legal expenses and 5lakhs for buying a new house in Feb 2021 itself. Compute the taxable income of 'X' and the tax payable for the assessment year 2021-22.
2. 'A' is an employee of the Govt. of India and his monthly salary is as follows. This is for the previous year 2020-21.

Basic Pay	-	Rs. 50,000/-
Dearness allowance	-	Rs. 24,000/-
House rent allowance	-	Rs. 24,000/-
Food allowance	-	Rs. 1000/-
Medical allowance	-	Rs.1000/-

He incurs the following expenses

Contribution to pension fund	-	Rs.5000/Per Month
Insurance premium	-	Rs. 1000/per Month
Contribution to Chief Minister's Covid relief fund	-	Rs. 50,000/-

Compute the taxable income for the assessment year 2021-2022

3. 'B' an Indian woman married 'C' a Pakistani man in the year 2019. 'B' resides in India for 182 days and Pakistan for 183 days in the previous year 2020-21.

Prior to marriage 'B' lives in India

'B' retains houses both in India and also in Pakistan for permanent purpose.

'B' is doing salt business both in India and Pakistan.

'B' is the National of India.

Determine B's residential status.

'B' generates Rs. One crore as income from India. She receives Rs.4lakhs as house rent from Pakistan. She receives Rs. 5 lakhs as profit out of a business in Pakistan.

Determine her total income.

4. ABCD is a partnership firm and carries tour operation service. It arranged a tour package for visiting Indonesia, Vietnam, and Thailand. It booked hotels from India through online. The hotels in these countries received the revenue of Rs. 25 lakhs each. In addition to that they (hotels) were paid Rs.10 lakhs each towards food and Rs.10 lakhs for each towards arranging travel in the respective countries. No member of the ABCD firm from India visited those countries. These amounts are relating to the business that took place in the previous year 2020-21.

Income tax authorities claimed that the hotels and travel agencies from outside India have a business connection in India through the ABCD firm and hence liable to pay income tax for the amount received from India.

Moreover each partner in the firm got Rs 10lakhs as their share of profit. The firm already paid income tax for the profit. The Tax authorities again demanded tax from the partners for their share of income.

Partners defended that the demand to pay income tax would attract double taxation. Is the defence sustainable?-Decide on all the issues.

PART – B (4 x 5 = 20 Marks)

Answer the following questions:

5. The difference between tax and fee is very essential while determining the tax liability as envisaged in the VII schedule of the Constitution of India'-Explain.
6. There is different process for the conversion of sugarcane into sugar for the purpose of levy tax-Do you agree? Explain.
7. '*Economic allegiance is very important for determining the source of income.*'- Evaluate.
8. '*Annual value of house property is only a deemed income.*'- Explain.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Special Repeat Examinations, September 2021

INTERNATIONAL CRIMINAL LAW

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 marks)

Answer the following questions in detail with relevant legal provisions and judicial pronouncements. Provide your own opinion in the answers whenever required:

1. 'X' was acquitted in a prosecution of a war crime in the International Criminal Court. The acquittal resulted in public reaction against the judgment and the public protest was widespread with a request to proceed for a new case for the same crime to be initiated against 'X' in ICC. Can 'X' be prosecuted again for the war crime in ICC or any other court? Comment with relevant legal provision and case laws.

2. *"No one may be held accountable for an act he has not performed, or in the commission of which he has not in some way participated, or for an omission that cannot be attributed to him."*
 Critically comment on the above statement and the principle of International Criminal Law reflected in it. Reason your argument with relevant judicial pronouncements.

3. 'J' was accused of crime of terrorism. The state in which 'J' is a national and the nation states, in which the crimes took place, have ratified the Rome Statute and all other International criminal legislation. Comment on the parameters to take into consideration to prosecute 'J'. Examine the legal provisions along with the court which has the jurisdiction for prosecution.

4. 'M' was trader of chemical products. 'M' sold a particular chemical which is harmful and hazardous to human life to 'N'. 'N' used the chemical to kill hundreds of people belonging to a particular community in different countries. Decide whether 'N' has committed an international crime under the Rome Statute. Also, decide whether 'M' is liable for the crime committed by 'N'.

PART-B (4 x 5 = 20 Marks)

5. Examine the nature of the Rome Statute, 1998 and state whether the Rome Statute reflects civil law system or common law system.
 6. Critically comment on the utilitarian justification for Incapacitation as one of the objectives of International Criminal Law.
 7. Analyze the importance of considering Human Rights Law in procedure of International Criminal Prosecution.
 8. Discuss the measures taken by the International Organization for the protection of victims of International Crimes. Comment on the adequacy of the same.
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Special Repeat Examinations, September 2021

CONSTITUTIONAL LAW -II

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions

1. In each of the following instances, evaluate whether and to what extent separation of powers exists:
 - (i) Ordinances
 - (ii) Appointment of Supreme Court Judges
 - (iii) Power of Pardon
 - (iv) Disqualification by the Speaker under the Xth Schedule

2. Critically examine the balance of power between the Union and the States with special reference to India's independence struggle. In keeping with your answer, how does federalism manifest in the following:
 - a. The Residuary Power
 - b. RepugnancyRefer the relevant judicial decisions.

3. What is the relationship between the Fundamental Rights, specifically the Freedom of Speech under Article 19(1)(a) and Parliamentary Privileges? How do these two interact with one another? In this context answer why the Indian Parliament's powers, privileges and immunities remain legislatively undefined. Examine referring to decided case laws.

4. Using the principles of pith and substance, colourable legislation and harmonious construction, extra-territoriality, decide whether the law in question is within the legislative competence of the relevant legislature.
- i. Tax levied by the State Legislature under Entry 62 of List II on admission of car/motor vehicles in Drive-in movie theatres.
 - ii. A State X Legislature sought to regulate a trust and its properties which was incorporated within its boundaries but had substantial land in State Y.
 - iii. A State University, empowered under a State legislation, fixed the medium of instruction in an Engineering College to Marathi.

PART – B (20 Marks)

Answer the following questions

5. Paying close attention to the wording of the following statements, please evaluate whether they are true or false. You are permitted to be conflicted about your final answer as long as reasons are provided.
- (i) States may impose taxes on the use of their roadways during the movement of goods from another State. **(5 Marks)**
 - (ii) The citizens of India do not have fundamental rights during a period of emergency. **(5 Marks)**
 - (iii) The Election Commission of India is independent from Executive influence **(5 Marks)**
 - (iv) The primacy of the judiciary in matters of judicial appointments is part of the basic structure of the Constitution. **(5 Marks)**
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INTERNATIONAL REFUGEE LAW

Time: 4 Hours

Maximum Marks: 100

PART - A (4 x 20 = 80 Marks)

Answer the following questions

1. *“Gender is essential in developing and implementing measures and policies aimed at protecting and empowering women refugees and asylum seekers in order to allow them to become active contributors to the host society”*- Critically examine to what extent this has been implemented in practice with illustrations from recent international experience.
2. Most States have either signed the 1951 Refugee Convention or its 1967 Protocol. These ensure basic rights and protections for refugees, in addition to other human rights conventions. However, many nations maintain reservations on key articles, and have not implemented the agreements or simply do not comply with their international obligations. Others do not provide access to these protections for people without legal status, such as refugees. Has the Refugee Convention and its Protocol served their purpose? How can the UNHCR ensure compliance?
3. Traditionally developing states have taken the burden of refugees and the global response has been weak. Suggest legal reforms to correct the same within the framework of applicable international refugee law.
4. Examine the rights of Internally Displaced Persons (IDPs) and evaluate the same in the light of the protection accorded under Plan of Action for Advancing Prevention, Protection and Solutions for IDPs 2018–2020 (GP20) with examples. Point out the areas of concern and how they can be addressed.

PART - B (4 x 5 = 20 Marks)

Answer the following questions

5. While the Child Right Convention (CRC) is not a refugee treaty, refugee children are covered because all CRC rights are to be granted to all persons under 18 years of age. Examine the rights of refugee children in the light of the refugees in India.
 6. "*Asylum policies of most countries are arbitrary*". Do you agree? Give reasons.
 7. The adult legal order is obligated to protect children. How does the same flow out in terms of rights of refugee children. Give examples.
 8. Should India accede to the UN refugee convention? Give reasons. What are the problems in not doing so?
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LAND LAWS

Time: 4 Hours

Maximum Marks: 100

PART - A (4 x 20 = 80 Marks)

Answer the following questions

1. Mr 'X' (The Tenant) agreed with 'Y' (The Landlord) under a tenancy agreement for cultivating his land for a period of five years from 01.02.2018 to 31.01.2023. From the said date Mr. X contributed his physical labour on the land in question. During the pendency of the tenancy agreement, Mr. X died on 30.12. 2020. Later the landlord approached the widow of Mr. X and asked her to return the land but she refused to do so stating that she planned to cultivate the same land with the help of someone else.
 - a. Decide as to whether the widow of Mr. X is entitled to continue to enjoy the same rights given to her husband under the Cultivating Tenant Protection Act, 1955 citing the relevant provision/s and judicial decisions.

2. "One of the aspects of the land reforms is the adequate payment of compensation. On this account, many of the land legislations were challenged, and the courts favoured payment of adequate compensation" – Elucidate the statement in light of the amendments made to the Indian Constitution. Also refer the relevant case laws.

3. Mr. "Y" (the Land Lord) transferred his land to Mr. "Z" (the cultivating tenant) for rental purposes, for the period of 5 years (2015-2020). There was an unprecedented drought during the period (2017-2018). After the drought period, the tenant enjoyed the same land. But, after expiration of the rent period, the tenant, when requested by the landlord to return the land refused to handover the possession to the landlord.

Decide whether the landlord is entitled to recover the possession? If so, decide in detail and quote the relevant provisions.

And also decide whether the tenant will be permitted to argue that since there was unprecedented drought for a year the tenancy period is automatically extended by one year?

4. Mr'X' a landlord and Mr'Y' a tenant entered into a tenancy agreement whereby Mr'Y' agreed to pay a fair rent to the landlord for cultivating his land measuring 5 acres. The fair rent was fixed as thirty per cent of the normal gross produce or its value in money. On one occasion, due to the adverse seasonal conditions, the tenant was unable to cultivate and pay the rent to the landlord and the landlord asked the fair rent from the tenant. Examine
- (i) Whether the landlord is entitled to the rent for the period of cultivation of land due to irregular irrigation? (6 marks)
 - (ii) Whether the fair rent fixed in these facts are in accordance with the law? If not, discuss the remedy available to Mr'Y'? (7 marks)
 - (iii) What are the formulae be taken into account for determining the normal gross produce? (7 marks)

PART - B (4 x 5 = 20 Marks)

Answer the following questions

5. The owner provided an alternative site to the agriculturist in pursuance of the permission granted by the authorized officer under the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971. The agriculturist fails to shift to the alternative site. Will he get ownership under this Act? Decide.
6. Mr A is an agriculturalist and Mr. B is a landlord. The former entered into a lease agreement with the latter, for 30 years, for cultivating the land measuring 20 acres and the monthly rent was fixed as Rs. 15,000. The land is usually giving 4 pogram (*four times yield in a year*). Mr A was regularly paying the annual rent to Mr. B. But due to sudden monsoon failure, Mr. A was unable to cultivate the land and consequently failed to pay the rent for a year. Hence, Mr. B applied, before the authority, for eviction of the tenant Mr. A on the ground of violation of Section 3 of the Tamil Nadu Cultivating Tenants Protection Act, 1955. The authority has ordered the eviction of Mr. A. Decide whether the order passed by the authority is sustainable? Give cogent reasons citing relevant provisions under the Act, 1955 and refer to relevant case laws.
7. A Christian family consisting of the husband A, his wife B and his three sons C, D, and E. The husband and the minor sons have no property in their name and the wife has stridhana land of 20 standard acres. Find out the surplus land.
- Would it make any difference, if the husband has 25 standard acres in his name? Quote the relevant provisions and find out the surplus land.

8. *“The intention of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 was the acquisition of rights of landholders of certain estates in order to introduce the ryotwari tenure instead of pre-existing Zamindari or Inam tenure”* – In the light of the above statement, critically analyse the provisions relating to lands in which landholders are entitled to ryotwari pattas.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

POLITICAL SCIENCE – IV (Public Policy and Public Administration)

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions. Each Answer should not be less than 600 Words.

1. Critically examine the Nature and Significance of Public Policy and also analyse the important Policies of the present NDA Government which either have elevated the reputation of the Government or have caused damage to the economy of the Indian State and damaged the interest of the Indian masses.
2. *“Many problems of workers –Management cooperation were the results of the emotionally based attitudes of the workers rather than objective difficulties in the situation”-Comment.*
3. Evaluate the Objectives of NDA – I Government in scrapping the Planning Commission of India and substituting it with NITI Aayog. Make a critical analysis of the working of NITI Aayog.
4. “Gram Sabha” was ascribed important role as per the seventy-third amendment of the Indian Constitution in strengthening the Grass root Democracy in India. How far do you think this objective has been realized?

PART – B (4 x 5 = 20 Marks)

Answer the following questions. Each Answer should not be less than 250 Words.

5. Bureaucracy is “a system of government the control of which is so completely in the hands of officials that their power jeopardizes the liberties of ordinary citizens” – Comment.
 6. Explain the importance of ‘Span of Control’ as a principle in running the Organization.
 7. Critically analyse present NDA Government’s Policy of Monetization of Assets of Public Sector Units.
 8. Write a Review on MGNREGA.
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Special Repeat Examinations, September 2021

FINANCIAL MANAGEMENT AND PRACTICAL AUDITING

Time: 4 Hours

Maximum Marks: 100

PART - A (4 x 20 = 80 Marks)

Answer the following questions

1. The Sunshine & Co., belongs to a risk class of which appropriate capitalisation rate is 12%. It currently has 4,00,000 share selling at Rs.40/- each. The firm is contemplating the declaration of a Rs. 5/- dividend at the end of the current fiscal year, which has just begun. Answer the following based on the MM model and the assumption of no taxes:
 - a. What will be the price of the shares at the end of the year if (i) dividend is not declared and (ii) if it is declared.
 - b. Assuming that the firm pays dividend, has net income of Rs. 4, 00,000 and makes new investment of Rs.6, 00,000 during the period, how many new shares must be issued?
 - c. Test the hypothesis of MM

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

Balance Sheet of Green Ltd. as on March 31st, 2021

Liabilities	Rs.	Assets	Rs.
Equity Share capital (Rs.10 per share)	8,00,000	Net Fixed Assets	10,00,000
20% Debenture	6,00,000	Current Assets	9,00,000
Retained Earnings	3,50,000		
Current Liabilities	1,50,000		
	19,00,000		19,00,000

Income Statement for the year ending March 31st, 2021

Particulars	Rs.
Sales	5,00,000
Less: Operating expenses (including Rs.60,000 depreciation)	2,00,000
EBIT	3,00,000
Less: Interest	1,20,000
Earnings before tax	1,80,000
Less: Taxes	80,000
EAT	1,00,000

- a) Determine the degree of operating, financial and combined leverage at the current sales level, if all operating expenses, other than depreciation, are variable costs.
- b) If total assets remain at the same level, but sales (i) increase by 20 per cent and (ii) decrease by 20%, Compute the earnings per share at the new sales level?
3. Royal Ltd., is considering two mutually exclusive projects. Both require an initial cash outlay of Rs.100, 000 each and have a life of five years. The company's required rate of return is 12% and pays tax at a 50%. The projects will be depreciated on a straight line basis. The profit before depreciation and Tax expected to be generated by the projects are as follow:

Year	1	2	3	4	5
Project I	Rs.40,000	Rs.40,000	Rs.40,000	Rs.40,000	Rs.40,000
Project II	Rs.60,000	Rs.30,000	Rs.20,000	Rs.50,000	Rs.50,000

You are required to calculate:

- (a) The Payback of each project
- (b) The Net Present value for each Project
- (c) The Internal rate of returns for each project

Which project should be accepted and why?

4. Given below are the values of sales and working capital of X Ltd. (Rs. In crores)

Year	Sales	Working Capital
2011	200	65
2012	210	74
2013	221	90
2014	230	90

Year	Sales	Working Capital
2015	250	100
2016	280	90
2017	281	110
2018	290	150
2019	330	160
2020	350	180

- (a) Estimate the working capital for the year of 2030
(b) What would be the working capital if sales is R.500/- crores

PART - B (5 x 4 = 20 Marks)

Answer the following questions

5. A creditor of a Joint stock company wants to inspect its books. How should he proceed in the matter?
6. Critically evaluate the *Kingston Cotton Mills Case*.
7. Mr. A wanted to invest his surplus funds in the Capital Market Investment Instruments and he wished to analyse the level of risks involved in the capital market investment. How can you advise him to analyse the risk in capital market investment?
8. "The financial Manager should take into consideration the time value of money in order to take correct financial decisions". Elucidate.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Special Repeat Examinations, September 2021

PROPERTY LAW

Time: 4 Hours

Maximum Marks: 100

PART - A (4 x 20 = 80 Marks)

Answer the following questions.

1. "*Lis Pendens is connected to the concept that a buyer of a property must assume any litigation that exists pertaining to the property*". Critically comment on the statement and explain the doctrine of *Lis Pendens* and the application of the doctrine in India with the help decided cases.
2. "*Transfer of Property Act, 1882 deals with the transfers of inter vivos*"- Critically evaluate the statement in the light of transfers made for the benefit of unborn persons with the help of decided cases.
3. "*There is no comprehensive definition for the expression 'immovable property' under the Transfer of Property Act,1882. Each has to be decided on its own merit*". Critically examine the statement with decided cases.
4. a) Evaluate with reasons whether the following are movable or immovable properties
 - i. A right to work in mines and carry the coal for 2 years
 - ii. Oil engine attached to land by mortgages of land
 - iii. A right to graze cattle over the land for one year
 - iv. A right to grow and appropriate grass for six months
 - v. A right to fishing in a pond by way of lease agreement
- b) "*A person buying a property in a municipal area must be deemed to be aware that municipal taxes are a charge on a property, that there is a possibility of*

such taxes being in arrears and that it is his duty to enquire about such arrears, if he fails to do so he would always be deemed to have notice of such taxes." *Naval Kishore v. Agra Municipality*, 1943 ALJ 53. How far do you agree with the above statement?

PART - A (4 x 20 = 80 Marks)

Answer the following questions.

5. "*A* sold his house to *B*. The sale deed contains a condition that the buyer should not sell the house except to his brother." Decide the validity of the condition in the sale deed with relevant case laws.
 6. "*A*, *B*, and *C* mortgaged their joint property first to *D* and then to *E*. *A*, *B* and *C* effected a partition into 3 shares. *D* brought a suit and realized the amount by the sale of *A*'s share. *A* obtained a decree for contribution against the shares of *B* and *C*. Then *B* and *C* redeemed the puisne mortgage to *E* and claimed contribution from *A*." Is this claim maintainable? Decide with relevant case laws.
 7. "*A* lets his land to *B* at an annual rent of Rs.2000/-. *A* failed to put *B* in possession of part of the subject matter of lease." Can *B* plead the suspension of rent as a whole? Decide with relevant case laws.
 8. "*A* dwelling house is given to *X*, then a bachelor for life and afterwards to all the children of *X*, when the first child attains majority." Is the transfer valid? Decide with relevant case laws.
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Name :

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

INTELLECTUAL PROPERTY LAW

Time: 4 Hours

Maximum Marks: 100

PART - A (4 x 20 = 80 Marks)

Answer the following questions

1. *“Intellectual Property (IP) is a generic term that probably came into regular use during the twentieth century. This generic label is used to refer to a group of legal regimes, each of which, to different degrees, confers rights of ownership in a particular subject matter... One striking feature of the intellectual property is that despite its early historical links to the idea of monopoly and privilege, the scope of its subject matter continues to expand. The twentieth century has seen new or existing subject matter added to present intellectual property systems and new systems created to protect existing or new subject matter. The strongly expansionary nature of intellectual property systems shows no sign of changing.”* In this context, critically comment on the concept of intellectual property, its origin, and development. Do you agree with the statement that intellectual property rights are universally recognized and not a universal right? Why?
2. Rohan acquires a patent in India over a movable table comprising of a flat square piece of wood and four solid rods of equal length to support it, wherein, one end of each of said four solid rods is connected to a corner of the said square piece of wood, and, wherein, each solid rod is supported by a caster at the other end. Peter makes a table having a circular surface with long circular legs made of wood and connected to wheel assembly and starts selling the table in India. Rohan alleges infringement of his patent against Peter. Decide
3. Golden Globe, an academic book publisher filed a suit seeking an injunction against a State-run ‘ABC University and its photocopy shop named ‘Flash Copiers’ from infringing its copyright by an unauthorized making of course packs, compiling photocopies of relevant excerpts from the copyrighted books prescribed in the syllabus prepared by the concerned course teacher, and its distribution to students. In this context answer the following,

- a. Whether photocopying of copyrighted works for an educational purpose constitutes fair use? Do you agree with the statement that the fairness of the use under the Indian Copyright Act is to be determined only by the purpose of the use i.e., education, and not by its qualitative or quantitative extent?
 - b. Whether the reproduction of works under the Indian Copyright Act can be made only by a teacher or a pupil and not by an intermediary i.e., the photocopier?
 - c. Whether the act of the University and its Photocopy shop amount to infringement of copyright?
4. 'Autobots' is a globally known automobile manufacturer company incorporated in Korea. In 1997, it has launched the world's first commercial hybrid car named 'Bumblebee' in Korea, United States, United Kingdom, and Australia. In 1995, during the trial phase, Autobots Company successfully obtained trademark registration for the word 'Bumblebee' in Korea and eventually in other jurisdictions thereafter. M/s. Optimus Prime Auto Industries (hereinafter Optimus) an Indian automobile spare parts manufacturing company in 2001 had adopted and used the mark 'Bumblebee'. Following which in 2010 Optimus successfully obtained two trademark registrations in India for their mark 'Bumblebee'. Later in 2021, Autobots introduced 'Bumblebee' in the Indian market and they came to know about the use of their trademark by Optimus. Having used the mark 'Bumblebee' for more than 25 years in the global market, Autobots intends to claim well-known trademark status for their mark in India. In this regard, they seek your legal opinion. Advice.

PART - B (4 x 5 = 20 Marks)

Answer the following questions

5. Identify the multiple overlapping IP protection of the following products:

a.



b.



(Each sub-question carries 2 ½ marks)

6. 'Moon TV', a popular entertainment channel obtained the license for broadcast and satellite rights of a live event organized by 'South Indian Film Chamber'. On the day of the event, Gopal, an enthusiastic viewer recorded some important moments of the performers during the event on his mobile and posted all the event photos on his 'Twitter' and 'Instagram' accounts. Further, he streamed certain contents 'live' through his Facebook account to share with his friends and family. And, a day after the event, Gopal

uploaded all the recorded videos of the event on his YouTube account. As the live event was one of the most-watched events in television history, his YouTube account with those uploaded event content became an instant hit and more viewers joined his page as subscribers which earned him good revenue. Aggrieved by the act of Gopal, Moon TV seeks your legal opinion. Advice.

7. A database was prepared by a law student who interned under the office of an advocate by using the latter's resources, expertise, and investment. In this context, answer the following,
 - a. Is a 'database' considered as 'intellectual property'? Justify the need for its protection.
 - b. Critically examine the existing legal protections available for the database under Indian laws.
 - c. Examine the intellectual property rights that exist in the database created by the intern? Who owns them? Why?
 8. Critically analyze whether plant varieties can be patented in India and examine whether farmers can be sued for infringing plant variety registrations in the light of the relevant Statutory Acts and recent judicial interpretations by the Indian Court.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

BANKING LAW

Time: 4 Hours

Maximum Marks: 100

PART - A (4 x 20 = 80 Marks)

Answer the following questions

1. There are several aspects that banking regulation is not intended to accomplish. First, preventing the failure of individual banks is not a primary focus of banking regulation, subject to the condition that depositors are protected and adequate banking services are maintained. Second, bank regulation should not substitute banker's decisions in operating a bank by government decisions. Finally, banking regulation should not favour certain groups over others. Banks also should not be protected from competition from other institutions-Critically Examine.
2. Ministry of Finance has circulated a proposal for decriminalising Section 138 of the Negotiable Instrument Act, 1881. Argue against the proposal.
3. The Banking Regulation (Amendment) Bill seeks to improve governance by extending powers already available with the RBI in respect of other banks to co-operative banks as well. In light of the problems plaguing the cooperative banks, will bringing cooperative banks under the RBI's ambit make any difference?
4. Is more regulation for NBFC the way ahead? Analyse the regulatory scenario and potential areas of reform in line with the current governmental objective of removing regulatory arbitrage between NBFCs and banks.

PART - B (4 x 5 = 20 Marks)

Answer the following questions

5. Have public sector banks such as NABARD and SIDBI been able to fulfill the irintended roles? Evaluate.
 6. A common issue plaguing Banking Ombudsman is technical errors leading to rejection of complaints. How far the institution of Banking Ombudsman been successful? Analyse.
 7. Relationship between banker and customer is dynamic. Justify.
 8. How is the Indian Banking Industry responding to cyber frauds? Examine.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

HUMAN RIGHTS LAW

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions:

1. Critically examine the contributions made by the human rights instruments towards securing the legitimate interests of women, children, minorities and the elderly. Do you observe any gaps between the letter of law and its implementation? If yes, offer a few solutions to ensure efficacious observance of human rights by the State and its instrumentalities.
2. How do you evaluate the relationship between judicial activism, constitutionalism and human rights? Use necessary illustrations and cases if necessary.
3. How do you assess the importance of 'reasonable restrictions' stipulated by the legal framework? Do you see it as a case of legitimate deprivation of human rights? Comment with reasons.
4. What are the reasons for developing a regional human rights treaty regime? Critically examine the value addition made by any of the regional human rights protection mechanisms towards the protection and promotion of human rights.

PART – B (4 x 5 = 20 Marks)

Answer the following questions:

5. Write a short note on the procedures adopted by the human rights treaty bodies to supervise compliance by the members of the human rights treaties.
6. How do you analyse the recent geopolitical developments in Afghanistan from the human rights perspective?

7. Express your opinion on the methods adopted by the Non-Governmental Organisations (NGOs) to pressurize the governments to uphold and observe human rights. Do you find any objections to such methods adopted by the NGOs?
 8. Write a short note on the non-derogable civil and political rights and explain the associated jurisprudence.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

HUMAN RIGHTS LAW

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions:

1. Critically examine the contributions made by the human rights instruments towards securing the legitimate interests of women, children, minorities and the elderly. Do you observe any gaps between the letter of law and its implementation? If yes, offer a few solutions to ensure efficacious observance of human rights by the State and its instrumentalities.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

ELECTION LAW

Time: 4 Hours

Maximum Marks: 100

Instructions

- a. No clarification can be sought during examination. Answer as it is.
- b. Please write legibly. Fill up the answer book with relevant and cogent answers only.
- c. All the questions should be answered by quoting relevant legal provisions and at least three relevant judicial precedents. The problem-based questions should be preferably answered using the *Issues-Research-Analysis-Conclusion (IRAC)* method.
- d. All the questions are compulsory. You are strictly directed to follow the Question Number as given in the Question Paper.

PART – A (4 x 20 = 80 Marks)

Answer the following questions:

1. Comment on each of the following statement about the status of political parties and election symbols in India, whether they are 'correct' or 'incorrect'. Substantiate your answer with detailed and cogent reasons by quoting relevant legal provisions and judgments:
 - a) Once a registered political party in India, always a registered political party.
 - b) In India unrecognised, but registered political parties have the right to demand for permanent election symbols from the *Election Commission of India (ECI)*.
 - c) ECI lacks the statutory power to de-register a political party.
 - d) In India, only recognised political parties are allotted reserved election symbols.
2. Shahjahanabad is one of the States in the Indian Union. In 2019, when the *All India Peoples Party (AIPP)* came to power in the State of Shahjahanabad, it appointed its 20 Member of Legislative Assemblies (MLAs) as Parliamentary Secretaries (PS). The Opposition Parties (OP) called for disqualification of these MLAs by the Governor of Shahjahanabad on the ground that holding the post of PS is akin to

holding an office of profit. When the Governor sought for the opinion of the Election Commission of India (ECI), the ECI opined that the 20 MLAs have incurred disqualification by holding the post of PS.

When the matter was pending consideration before the Governor, the AIPP Government passed the *Shahjahanabad Member of Legislative Assembly (Removal of Disqualification) Amendment Act, 2019* ('Removal of Disqualification Act, 2019') to exclude Parliamentary Secretaries from the ambit of office of profit. The Opposition Parties have now approached the Supreme Court to disqualify the 20 MLAs for holding office of profit by challenging the constitutionality of the Removal of Disqualification Act, 2019. Decide.

3. "A plain perusal of the data relating to qualifications, credentials and antecedents of the 2014 Lok Sabha candidates reveals that 27% (or roughly 2,208 candidates) of all the candidates were "*crorepati candidates*", and the average asset value of each of the 8,163 candidates was Rs. 3.16/- crores. It is a well-known fact that the percentage of crorepati candidates have significantly increased from 16% during the 2009 Lok Sabha elections. Thus, it is a hard reality in India that if one is willing to spend money in mindboggling limits during elections, then only he/she will be preferred by a political party to be nominated as a candidate for such membership, as against the credentials of genuine and other deserving candidates." Critically examine this statement with regard to:
 - a) The Role of Election Commission in Decriminalisation of Politics in India with specific reference to funding of election and money power.
 - b) Further, comment on the efficacy of the laws relating to Decriminalisation of Politics by analysing its impact on the recently concluded 2019 Lok Sabha elections.
4. Define and distinguish the terms '*corrupt practices*' from '*electoral offences*'. Explain any four types of corrupt practices which are also electoral offences with the help of case laws. Whether the *Indian Penal Code, 1860* is the only law in India that deals with electoral offences?

PART – A (4 x 5 = 20 Marks)

Write critical legal notes on all of the following:

5. Explain whether the '*right to vote*' in India can be categorised as a fundamental right or constitutional right or statutory right or legal right?
6. To what extent the Indian Constitutional Courts can interfere in a decision taken by the Speaker during a proceeding under anti-defection law?

7. Comment on each of the following statement about the *Election Commission of India (ECI)* whether they are 'correct' or 'incorrect'. Substantiate your answer with precise and cogent reasons by quoting relevant legal provisions and judgments:
- a) The Indian Constitution envisages ECI to be a multi member body.
 - b) Only Indian Administrative Service (I.A.S.) cadre officers shall be appointed to the post of the Chief Election Commissioner, while anyone can be appointed to the post of other Election Commissioners.
8. "*No election shall be called in question by a court of law, except by an election petition presented in accordance with the provisions of laws relating to election.*"
Comment.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

LAW OF CONTRACTS - I

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions:

1. Randeep is a distributor of leather products. While he was attending a procession as part of his village festival, the Manager of Shoe Mart called Randeep on his mobile phone. The Manager enquired the possibility of delivering 1000 pairs of a particular brand of shoes, which he needs within one week. In between their communication, the phone line got distracted because of the noise of the procession going on. Days passed, but Randeep never heard back from the Manager. Randeep wants to send a legal notice to Shoe Mart for compensation claiming breach of contract. Advice.
2. Baburam, belongs to Dharmapuri village, entered a contract with Jayapalan, who is residing outside the village. They followed certain customs and usages of Dharmapuri village in their contract which are inconsistent with the provisions of Indian Contract Act, 1872. There was a dispute arose between them. (a) Decide the validity of the contract entered between Baburam and Jayapalan? (b) If the customs and usages of Dharmapuri village were not inconsistent with the provisions of Indian Contract, 1872, will your advice be different?
3. Metal Supplies Ltd. is regularly supplying goods to Aseel Manufacturers. On 29th May 2021, Aseel Manufacturers made an order of certain goods to Metal Supplies Ltd. On 28th May 2021, the business of Metal Supplies Ltd., was transferred to L&Q Company. L&Q Company accepted the order of Aseel Manufacturers and supplied the goods on

time. Thereupon Aseel Manufacturers refused to pay L&Q Company alleging that they intended to contract only with Metal Supplies Ltd., since they are having a set off against them.

Representatives of L&Q Company approached you for a legal advice to claim payment from Aseel Manufacturers. What will be your advice?

4. Reghunandan runs a Micro Financial Enterprises in his place. Achuthan took several debts from Reghunandan's Micro Financial Enterprises. Among other debts, Achuthan has a debt of Rs. 1,00,000 upon a promissory note which falls due on 1st June 2021. He owes no other debt of that amount. On 1st June 2021, Achuthan paid Rs. 1,00,000. Suppose you are the legal adviser of Reghunandan's Micro Financial Enterprises and they requested your advice for appropriation of money against Achuthan's debts. Provide your advice.

PART – A (4 x 5 = 20 Marks)

Answer the following questions:

5. Gopal Singh is a well-known political person. Jayadev, who belongs to his rivalry group instructed the editor of a newspaper to publish an article defamatory of Gopal Singh. The editor does so and seeks to enforce a promissory note given to him by Jayadev. Decide
6. Rakesh, aged 17, misrepresented to Guruvind that he is above 18 and borrowed money for which he executed a promissory note. Then Rakesh sued for setting aside the Promissory Note. Can the court direct him to refund the money borrowed? Decide
7. Narayan and Smrithi were husband and wife. While Smrithi was alive, Narayan promised to marry Jameela in the event of Smrithi's death. Two years after Smrithi's death, Jameela sued against Narayan for damages for breach of promise to marry her. Whether Jameela's suit is actionable?
8. Ameena applied to KYZ Bank for a car loan. It was a time of stringency in the money market, then KYZ Bank informed her that the loan cannot be granted except at unusual

high rate of interest. Ameena accepted it but later realized that she cannot afford the amount of monthly installment. Ameena want to sue against the KYZ Bank for the unusual high rate of interest. Suppose Ameena is approaching you for a legal advice, what advice you may provide?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

LAW OF INDIRECT TAXATION

Time: 4 Hours

Maximum Marks: 100

PART - A (4 x 20 = 80 Marks)

Answer the following questions:

1. 'X' is the proprietor M/s. EFG international having its registered office at Mumbai. It was engaged in providing marketing services to customers located outside India. The overseas customers were engaged in manufacture and sale of Head Phones. 'X' provided services and in lieu thereof received consideration in convertible foreign currency from the customers located outside India. The overseas customer paid commission to the service Provider. According to IGST Act even if supply takes place outside India, it shall be deemed that the supply takes place within India. This is against the principle of destination and a basic feature of indirect taxation. As if the supply of service take place in India, the tax authorities demanded the service provider to pay tax and the Service Provider contended that the deemed provision of IGST Act is unconstitutional on the ground of principle of destination. Examine in detail.
2. ABCD firm imported rice, valued at Rs. 10 crores, from Vietnam through Chennai port. The said rice had to reach Chennai Harbour in the month of October 2016. Then it was to be distributed to various destinations in Tamil Nadu. Due to cyclone the ship carrying the said wheat was diverted to Vizakapattinam port. It was distributed to various destinations in Tamil Nadu from Vizakapattinam. The authorities under the Act demanded sales tax for interstate trade. ABCD claimed that the sale was during the course of import. Critically examine and decide.

3. 'X' is a dealer for selling lottery ticket in Kerala. Kerala indirect tax authorities claimed that selling lottery ticket amounts to supply of goods as actionable claims is goods. X denies that selling lottery tickets amounts to supplying goods - Explain in detail about the concept of actionable claims.
4. EDF is a manufacturing company manufacturing aluminium tubes for 'Z' a tooth paste company. According to the agreement between EDF and Z, EDF was to imprint the trade mark and the design of 'Z' on the tube. The value of the tube without imprint was Rs.2 each. The value of the tube with imprint is Rs.3.20. X placed order for 2crore tubes. The tax authorities levied tax for Rs. 4.44 crore for which the taxable event of manufacture arose only after the imprint was made. EDF contented the taxable event of manufacture arose as soon as the aluminium tubes were made without the imprint. The imprint is only fulfilling the desire of Z Ltd for identifying Z's product and hence not manufacture. Hence the taxable event arose at the stage of making the tube without imprint. So, the transaction value wasRs.4 crores for which EDF was liable to pay tax. Explain.

PART – B (4 x 5 = 20 Marks)

Answer the following questions:

5. There are lot of differences between composite supply and mixed supply. Explain.
 6. Manufacture is not found in the definition of supply under the Goods and Services Tax Acts but subject to Goods and service Tax under the GST Acts. Examine.
 7. 101st amendment of the Constitution is a revolutionary step on Indirect taxation. Do you agree? Examine.
 8. Concept of input tax credit relives the burden of the suppliers in payment tax-Explain
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CONL1-21

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

CONSTITUTIONAL LAW -I

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions

1. Generally, fundamental rights are said to be enforced under Article 32 or 226 against the State as defined under Article 12 of the Constitution. However, do you believe that private citizens can also violate fundamental rights and should therefore be subject to the jurisdiction of the Court on this account? Depending on your answer, evaluate the correctness of *Zoroastrian Cooperative Housing Society v. District Registrar, Cooperative Societies*, AIR 2005 SC 2306.
2. Apply the tests of the Right to Equality as expounded through case law of the Supreme Court to the following issues of contemporary relevance. It is not necessary to definitively decide either case, but thoughtful argumentation is required. Begin by clearly elucidating which articles of the Constitution are relevant, the judgments that lay down the tests and those that are factually directly relevant to the issue at hand.
 - a. The denial of Permanent Commission in the Armed Forces to women on the basis of their biological differences with men, and social roles.
 - b. Quotas for Economically Weaker Sections.
3. Article 21 of the Constitution has evolved over time, but has never once been amended. Choosing at least 4 judgments of note, trace the evolution of Article 21 by

clearly identifying the different methods of constitutional interpretation employed by the Courts.

4. In the context of the Freedom of Speech and Expression, what is over breadth analysis? Does the law on sedition suffer from overbreadth? If yes, with reference to appropriate case law, suggest a brief amendment to the law on sedition to cure it of its defect.

PART – B (20 Marks)

Answer the following questions

5. Pay close attention to each of the statements below and decide whether they are true or false. You are permitted to be conflicted about your answer as long as reasons are provided.
 - a. The Indian Constitution is not autochthonous. **(5 Marks)**
 - b. The Parliament can cede territory without enacting any kind of law because it is sovereign. **(5 Marks)**
 - c. A person is permitted to waive their fundamental rights. **(5 Marks)**
 - d. Conducting a narco-analysis test on an accused is a violation of Article 20(3). **(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
Special Repeat Examinations, September 2021

CLINICAL-III (PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM)

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions:

1. In the case of *Re: Ajay Kumar Pandey, Advocate v Unknown*, AIR 1998 SC 3299, the Supreme Court of India observed that “*Scandalising the Judges or the Courts tends to bring the authority and administration of law into disrepute and is an affront to the majesty (and dignity) of law. Such acts constitute criminal contempt of court.*” However, Section 5 of the Contempt of Courts Act, 1971 assures us that fair criticism of judicial act is not contempt. Critically evaluate whether the two statements are contradictory with each other with the help of decided cases on the issue.
2. Frustrated with multiple counts of workplace harassment, Alisha decided to sue her employer and reached out to her next-door neighbour Anil, whom she vaguely knew to be working as an Associate at a law firm in Chennai. Anil assured Alisha that she has a really strong case and can win up to Rs. 5 lakhs in compensation. Over the next 4 months, Anil asked for cash payment of various sums of money for the court procedures, totalling up to Rs.37,000/- but never showed her any documentation for any of it. Alisha started getting suspicious and approached the Bar Council of Tamil Nadu and Puducherry to register a complaint for professional misconduct in Anil’s name. Anil denied having ever taken any money from Alisha or giving her any assurance of winning, and also contended that in any event, there was no lawyer-client relationship between them so there was no question of misconduct. As a member of the Disciplinary

Committee of the Bar Council of Tamil Nadu and Puducherry, you are now expected to give a finding on this, with reference to similar cases previously decided.

3. As a member of the Ethics Committee of “Alvarez & Associates”, a reputed law firm in India, you are given the task of preparing a Social Media Policy for all lawyers currently engaged in the law firm. Taking cue from the IBA International Principles on Social Media Conduct for the Legal Profession (2014) and other values and duties of the legal profession, write a comprehensive set of Do’s and Don’t’s for using social media in the professional capacity of a lawyer.
4. What are some crucial aspects that a good Advocate should keep in mind during an initial client interview? What should be the ideal structure of such an interview? Is it necessary that legal advice be given in the first meeting itself? Elaborate with appropriate examples.

PART – B (4 x 5 = 20 Marks)

Answer the following Questions:

5. Considering it has been almost 100 years after the publication of “The Seven Lamps of Advocacy” by Sir Edward Abbott Parry, are the seven lamps still relevant in today’s world? What addition would you make to the existing list, if any?
6. What are some of the practical ways to prevent conflict of interest in the legal profession? Is it compulsory to disclose such conflict before it happens?
7. What are the existing guidelines on management of client money by a legal professional? Is there any sanction for non-compliance of these guidelines?
8. Why is private communication with a sitting Judge considered as professional misconduct on the part of an Advocate? Assuming one such private communication was to voluntarily admit some previously undisclosed facts to the Judge, will it still amount to misconduct?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021

LAW OF INSURANCE

Time: 4 Hours

Maximum Marks: 100

PART - A (4 x 20 = 80 Marks)

Answer the following questions

1. Why was the Standard products covering the risk of fire and allied perils introduced from April 1, 2021, replacing the Standard Fire and Special Perils (SFSP)? How does this new policy impact the fire insurance sector and its growth prospects? Analyze how the fire insurance market is regulated in India, pointing out the areas for concern.
2. Public Liability Insurance Act 1991 is an outdated piece of legislation. Do you agree? Give reasons. Suggest necessary changes. Reference can be made to similar laws in other countries.
3. While India's insurance sector has been growing dynamically in recent years, its share in the global insurance market remains abysmally low. Identify the legal challenges thwarting the growth of India's insurance industry.
4. You are to act as an underwriter for a Life Insurance Policy. How would you like to define the risks under the policy? What would be the relevant considerations?

PART - B (4 x 5 = 20 Marks)

Answer the following questions

5. Examine the elements of special contract relating to insurance sector with example.
6. What does it mean for an insurance agent to act in good faith? Explain with examples.
7. Evaluate the major regulatory changes under the Motor Vehicles Act, 2019? Has it served its purpose?
8. Pradhan Mantri Fasal Bima Yojana (PMFBY), the flagship programme launched with much fanfare in 2016, never really took off. Which are the areas of improvement in current crop insurance schemes launched by the government?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, September 2021
ADVANCE COURSE ON COPYRIGHT LAW

Time: 4 Hours

Maximum Marks: 100

PART - A (4 x 20 = 80 Marks)

Answer the questions in not less than 400 words and not more than 500 words:

1. The lyrics for all 5 songs for the movie "RABRIAY" was written by MUMMUDI CHOLAN (MC). The movie was directed by SJ, produced by VV PICTURES, songs composed by YAMINI & MALHOTRA. The movie was released in 1958. The song writer had been employed by VV PICTURES under an oral agreement specifically to write the songs for the movie "RABRIYA". MC orally assigned his rights in the song to VV PICTURES. But the lyrics written by MC was not up to the satisfaction of the director SJ, so SJ has made many changes in the Lyrics which were revised by his daughter REMYA and hence the original lyrics written by MC were modified.

From the original lyrics written by MC, only 40% was used and the remaining 60% was contributed by SJ and his daughter in all the 5 songs of the movie "RABRIYA". But they did not publicise the role played by SJ and REMYA. SJ and REMYA wanted to remain anonymous and hence the song lyrics writers were mentioned as MC & ANR in the movie and also in all the songs recordings that were released in 1958.

SJ, the director wanted to utilize the same song lyrics in the movie "RABRIYA" with modifications in another movie "SATRIYA" which he is directing in 2021. Now VV PICTURES came to know about the fact as the same was tweeted by REMYA, daughter of SJ in her social media page. So VV PICTURES approach you for legal advice. Advise your client.

2. "The concept of plagiarism is against the freedom of speech and Expression"- Justify the validity of the statement and identify whether the following acts amount to plagiarism
 - republishing the same paper already published elsewhere without due and full citation;

- publishing smaller/excerpted work from a longer and previous without due and full citations in order to show a larger number of publications;
 - reusing data already used in a published work, or communicated for publication, in another work without due and full citation;
 - breaking up a longer/larger study into smaller sections and publishing them as altogether new work without due and full citation;
 - Paraphrasing one's own previously published work without due and full citation of the original.
3. *“There is no concrete test for determining originality of a work. The tests for determining originality vary in accordance with the subject matter of copyright”* – Elucidate
4. What constitutes a derivative under the Copyright Act, 1957 and State whether the following works can be considered as derivative works?
- a) A movie created based on a novel can be considered as a derivative work?
 - b) Analyse whether a comic book developed in to a movie can be considered as a derivative work

PART - B (4 x 5 = 20 Marks)

Answer the following questions:

5. State the possibility of obtaining copyright protection for Tattoo's in India?
6. *“The author or publisher of, or the owner of or other person interested in copyright in a literary work may make an application in FORM-XIV by online/offline mode accompanied by the prescribed fees i.e. INR 500 per work in the form of payment gateway/DD/IPO, as specified in the Second Schedule of the Rules.18 (i) Application/ Declaration Form FORM-XIV is further divided into three parts; (i) Application/Declaration Form (ii) Statement of Particulars (iii) Statement of Further Particulars”* – state whether the above mentioned copyright registration process is necessary for obtaining copyright protection in India ?
7. *“All forms of online copyright infringement are punishable under Sec.51 and Sec.63 of the Copyright Act, 1957”* -Explain the validity of the statement.
8. The subject matter of copyright law is expanding since its inception and will be expanding for ever to accommodate new subject matter to fit in within the copyright Law – Examine.

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
Special Repeat Examinations, September 2021

CIVIL PROCEDURE CODE

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions:

1. a) Mr. X borrowed a sum of Rs. 50,000/- on a promissory note from Mr. Y. The promissory note was executed on 15.07.2020. Mr. Y died on 15.08.2020 leaving behind his son Mr. Z aged about 16 years. Now Mr. Z wants to file a case against Mr. X. Can Mr. Z recover the amount from Mr. X? Decide referring to the relevant provisions of CPC. **(12 Marks)**
- b) Would it make any difference if Mr. Z files the suit recovery of the amount after two and half years from the date of death of his father Mr. Y? **(8 marks)**
2. The suit Item No.1 belongs to the plaintiff by purchase from Mr. X by a registered sale deed date 02.06.1994. Suit item No.2, belongs to the defendant which is situate adjacent to item No.1. In item No. 2, there is an old coconut tree which stands slantingly and its leaves and coconuts are falling in plaintiff's roof which is covered by asbestos sheets and it's thereby causing damage to the life of the plaintiff's house. The coconut tree is also very old and fall at any movement. Though the plaintiff represents the matter to the defendant in person asking him to cut and remove the tree, the defendant failed to do so. Plaintiff now approaches you to get advice in this regard. Advise him referring to the relevant provisions of the CPC.
3. *"By jurisdiction what is meant is the extent of the power which is conferred upon the court by its constitution to try a proceeding: its exercise cannot be enlarged because an extraordinary situation requires the court to exercise it"*. Critically evaluate this statement referring to the jurisdiction of civil courts.

4. a) 'A' sues 'B' for damages caused by negligence to his house. 'B' denied that the damaged was caused by the negligence of 'C'. 'A' applies for an inclusion of 'C' as defendant.
- (i) Whether C can be added as a defendant in the said suit? Refer the relevant provisions of CPC. (6 Marks)
- (ii) Analyse the provisions relating to amendment of pleadings in CPC. (6 Marks)
- b) Critically examine the procedure to be followed by the court for the settlement of disputes outside the court. Refer the relevant provisions of CPC. (8 Marks)

PART – B (4 x 5 = 20 Marks)

Answer the following questions:

5. Do the principles of *res-judicata* apply between two stages in same litigation? Briefly explain.
6. Mr. Arun applies for execution of his decree against Mr. Bala. During the pendency of the execution proceedings, Mr. Arun dies. Decide in detail, the status of the execution petition referring to the relevant provisions of CPC.
7. 'A' sues 'B' in a court at Nellore in Andhra Pradesh on a mortgage of two properties situated at Nellore and Vijayawada respectively. The Court decreed in favour of 'A' and he filed an execution petition for the sale of property mentioned above. Whether the court at Nellore has jurisdiction to order the sale of the property in Vijayawada? Decide in detail referring to the relevant provisions of CPC.
8. "An appeal shall lie from every decree passed by a court exercising original jurisdiction to the court authorized to hear appeals from the decision of such courts" – Explain the statement by pointing out the powers of the appellate court.

MEDL-21

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
Special Repeat Examinations, September 2021

MEDIA LAW

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 Marks)

Answer the following questions:

1. Comment on the Regulation of Social Media Rules which mandate alteration of the operating model of social media giants as prescribed in the new IT Digital Media Ethics Code Rules, 2021. What will be the impact of this on social media users?
2. A reputed newspaper flashed in the headlines, 'Several Indian media outlets have become a global joke for publishing fake news claiming "Pakistan is invading Afghanistan this week". Also, India is not new to the fake news culture and the media law is evidence for the same. Critically analyse Indian media law and its role in the regulation of fake news.
3. On a social media platform, there was a campaign called #journalismwithoutfear#, where journalists were encouraged to share their stories with courage. Alben, a young journalist and an RTI activist shared a piece of news covering the politics and corruption of the ruling party by providing all evidence against the corrupt government departments. The news went viral in all newspapers and news channels flashed the news which went trending. In the meantime, many RTI applications were filed seeking particular information from the corrupt departments. Alben was found dead in his home a week after uploading the news content. In the light of this analyse the role played by RTI in online and offline media and provide recommendations to effectively balance RTI and media law so as to protect the lives of whistle-blowers.
4. "A pre-independence weekly *Amrita Bazar Patrika*, a bilingual, played an important role in the development of investigative Indian journalism, rooting its politics in the freedom struggle. It was fierce, politically vocal and once even described the Viceroy of India, Lord Curzon, as "Young and a little foppish, and without previous training but invested with unlimited powers."... Comparing with the current journalistic practice, pre-

independent journalism was more fierce and stubborn". Having the above passage in mind, compare and contrast the pre and post-independence statutory framework and analyse the reasons for the change in the journalistic reporting since independence.

PART – B (4 x 5 = 20 Marks)

Answer the following questions:

5. *"Against the citizen journalist, more than fifty FIRs were filed in the National Capital Territory of Delhi for the posters criticizing the Prime Minister on the vaccination policy under the Press and Registration of Books (PRB) Act and the Indian Penal code",* claimed a newspaper. As a media law counsel, defend the accused quoting the relevant provisions under PRB Act and judicial decisions.
6. *"The documentation done by the citizen journalists during COVID-19 crisis is remarkable",* having the quotation in mind, elaborate on the rights and duties available for a citizen journalist in the Indian media law jurisprudence.
7. During the pandemic, a disinfectant brand company released a new advertisement which was broadcasted on all TV channels claiming 100% COVID free and sales of the disinfectant were high resulting in increase in the price of the disinfectant. A consumer filed a complaint against the brand claiming that the advertisement was misleading. Defend the consumer taking the regulations of the advertisement ethics in the Indian broadcasting sector into consideration.
8. Comment on *"Democracy and truth go hand in hand. Democracy needs truth to survive ... One can consider speaking truth to power as a right of every citizen, which they must have in a democracy, but equally a duty of every citizen.....Citizens' right & duty to ensure free press, expose lies of state"*, says Justice Chandrachud.