



**TAMIL NADU NATIONAL LAW UNIVERSITY
TIRUCHIRAPPALLI**



QUESTION PAPERS

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FACULTY-IN-CHARGE OF EXAMINATIONS
TAMIL NADU NATIONAL LAW UNIVERSITY
TIRUCHIRAPPALLI - 27

**MID-SEMESTER (EVEN-SEMESTER)
EXAMINATIONS, MARCH - 2019**

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - Second Semester, Mid-Semester Examinations (Even-Semester), March 2019

ENGLISH-II / BUSINESS ENGLISH-II

Time: 1½ Hours

Maximum Marks: 20

Part – A (1 X 2 = 2 Marks)

Answer any ONE of the following questions:

1. What is Proxemics in communication?

[OR]

Explain two important features of body language.

Part – B (1 X 3 = 3 Marks)

Answer any ONE of the following questions:

2. Describe the major “parts of a judge in hearing”, according to Francis Bacon’s *Of Judicature*. (300-400 words)

[OR]

Critically comment on the final decision of Nora in *A Doll’s House* from a Socio- legal perspective. (300-400 words)

Part – C (5 Marks)

3. Read the passage given below and then answer the questions which follow:

It is difficult to reconcile the ideas of different schools of thought on the question of education. Some people maintain that pupils at school should concentrate on a narrow range of subjects which will benefit them directly in their subsequent careers. Others contend that they should study a wide range of subjects so that they have not only the specialized knowledge necessary for their chosen careers but also sound general knowledge about the world they will have to work and live in. Supporters of the first theory state that the greatest contributions to civilization are made by those who are most expert in

their trade or profession. Those on the other side say that, unless they have a broad general education, the experts will be too narrow in their outlook to have sympathy with their fellows or a proper sense of responsibility towards humanity as a whole.

- (a) Schools of thought can be explained as —
- i. Groups of people whose job is to think
 - ii. Groups of people who are schooled to think
 - iii. Groups of people who study in a particular school thoughtfully
 - iv. Groups of people having the same ideas but with different perception on a particular subject
- (b) The idea of the first school of thought in the passage is that —
- i. Students should concentrate on studies
 - ii. Students should not undertake any specialized work
 - iii. Students should study all the subjects they want to
 - iv. Students should study a few subjects that will help them in their profession
- (c) Supporters of the first theory say that—
- i. Experts have contributed most to progress in the modern world
 - ii. People with general knowledge have contributed to civilization
 - iii. Experts have done nothing to help mankind
 - iv. People with general knowledge are more useful than experts
- (d) According to the second school of thought, education will not be very effective if pupils —
- i. Have inadequate knowledge of their own work
 - ii. Do not have a wide general education
 - iii. Ignore the study of fine arts
 - iv. Have nothing but general knowledge
- (e) Broad general knowledge is necessary because —
- i. Specialization is incomplete without it
 - ii. Without it no one would get a job
 - iii. It teaches us about different things
 - iv. It broadens one's outlook

Part – D (1 X 10 = 10 Marks)

4. Answer a critical appreciation of the poem given below in 1000 words:

Law, say the gardeners, is the sun,
Law is the one
All gardeners obey
To-morrow, yesterday, to-day.

Law is the wisdom of the old,
The impotent grandfathers feebly scold;
The grandchildren put out a treble tongue,
Law is the senses of the young.

Law, says the priest with a priestly look,
Expounding to an unpriestly people,
Law is the words in my priestly book,
Law is my pulpit and my steeple.

Law, says the judge as he looks down his nose,
Speaking clearly and most severely,
Law is as I've told you before,
Law is as you know I suppose,
Law is but let me explain it once more,
Law is The Law.

Yet law-abiding scholars write:
Law is neither wrong nor right,
Law is only crimes
Punished by places and by times,
Law is the clothes men wear
Anytime, anywhere,
Law is Good morning and Good night.

Others say, Law is our Fate;
Others say, Law is our State;
Others say, others say
Law is no more,
Law has gone away.

And always the loud angry crowd,
Very angry and very loud,
Law is We,
And always the soft idiot softly Me.

If we, dear, know we know no more
Than they about the Law,
If I no more than you
Know what we should and should not do
Except that all agree
Gladly or miserably
That the Law is
And that all know this
If therefore thinking it absurd
To identify Law with some other word,
Unlike so many men
I cannot say Law is again,

No more than they can we suppress
The universal wish to guess
Or slip out of our own position
Into an unconcerned condition.
Although I can at least confine
Your vanity and mine
To stating timidly
A timid similarity,
We shall boast anyway:
Like love I say.

Like love we don't know where or why,
Like love we can't compel or fly,
Like love we often weep,
Like love we seldom keep.

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

First Year - Second Semester, Mid-Semester Examinations (Even-Semester), March 2019

SOCIOLOGY-II (RESEARCH METHODS IN SOCIAL SCIENCES)

Time: 1½ Hours

Maximum Marks: 20

Part-A (5 X 3 = 15 Marks)

Answer any FIVE of the following questions. Each question carries three marks:

1. What are the nine domains of GNH of Bhutan? How many indicators and variables are present in GNH? Give examples for indicators and variables.
2. Explain the three types of Observation.
3. What is Science according to Karl Pearson? And explain validity, reliability and ethical neutrality with examples.
4. Explain Systematic Exploration in a scientific method.
5. What is Syllogism?
6. Explain the methods of Understanding social relationships according to Cooley, Weber and Mills.

Part-B (5 X 1 = 5 Marks)

Answer ALL the questions. Each question carries one mark:

7. The three measures of Central tendencies are _____
8. The Science of drawing or preparing maps is known as _____
9. Give two examples for big data and, two for thick data.
10. What are the three requirements in data for conducting Correlation tests?
11. Define hypothesis and what is a Null hypothesis?

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BUSINESS ECONOMICS

Time: 1½ Hours

Maximum Marks: 20

Part-A (5 X 2 = 10 Marks)

Answer any FIVE of the following questions with not more than 100 words:

1. What is Internalisation of Externalities? How to internalise both positive and negative externalities?
2. Differentiate between “Change in Supply” and “Change in the Quantity Supplied.”
3. What is Zero Economic Profit?
4. Define Public Good, Private Good, Common Resources and Club good with examples.
5. List and explain the four determinants of Price Elasticity of Demand.
6. Explain Consumer Surplus, Producer Surplus and Total Surplus.

Part-B (2 X 5 = 10 Marks)

Answer any TWO of the following questions with not more than 250 words:

7. Explain the variety of Elasticity of Supply curves diagrammatically with suitable examples.
8. What are the reasons behind Market Failure? Explain Social Equilibrium.
9. Elucidate the factors influencing the shifts in the Demand Curve.

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First Year - Second Semester, Mid-Semester Examinations (Even-Semester), March 2019

POLITICAL SCIENCE – II (POLITICAL OBLIGATIONS)

Time: 1½ Hours

Maximum Marks: 20

Instructions:

- Brevity is important in your answer. Try and answer the question as clearly and as briefly as possible.
- It is important that you apply the theories we have read to the problem at hand. This is not an abstract inquiry and generic answers which do not apply to the problem at hand will **not** be accepted.

Problem:

The State of Westeros is a federal republic, consisting of two provinces- Winterfell and Casterly Rock. The population of Westeros' consists of people with two ethnicities- the Southerners and the Northerners. 55% of the people in Westeros are Southerners, and primarily stay in Casterly Rock and 45% of the people are Northerners and primarily live in Winterfell. There have been tensions between the two communities since Westeros became independent, with many Northerners feeling that they are left out of important posts in the government, police and military. Further, many Northerners believe that the government of Westeros gives preferential treatment to Casterly Rock over Winterfell since most public schools, colleges, hospitals and banks are in Casterly Rock. Consequently, a few Northerners have formed the Northern Independence Group (NIG), which advocates that Winterfell secede from the State of Westeros. The NIG has been suspected of terrorist activity, and many NIG leaders have been arrested by the police in Westeros.

Eddard Starke is a Northerner and a citizen of Westeros. Starke was formerly a member of NIG, but left the organisation due to their increased advocacy of violence. Starke then started living a relatively peaceful life in Casterly Rock, where he used the benefits of state-sponsored roads, schools and hospitals of Westeros. Starke was, however, a conscientious objector to the State, and did not vote in any of its elections till 2017. He also participated in a silent march organised by NIG, protesting imperialism by the Southerners.

In the 2017 parliamentary elections in Westeros, Robb Targaryen, a Northerner stood against Cersei Lannister, a southerner. If elected, Targaryen promised that he would have a referendum for the independence of Winterfell. Starke, who felt that this election was a good opportunity for Northerner's to get an independent state, decided to vote for Targaryen.

The election turned out to be a close one, with Lannister getting 48% of the vote, Targaryen getting 47% of the vote and a third candidate, Robert Baratheon, getting 5%. As soon as she took office, Cersei started a slew of campaigns against Northerners. The NIG was declared terrorist organisations and all NIG members were arrested. Further, all Northerner's were banned from using any state-sponsored public service.

Robb Targaryen, appalled by the treatment of Northerners, started collecting and creating a rebel army in Winterfell. Targaryen decided that the only way to get independence from the larger and stronger army of Westeros is to use a chemical weapon- "Dracarys". Dracarys if unleashed on the population would lead to the death of at least 10 million people. In order to stop the use of Dracarys, Cersei has passed a law called the "Westeros Compulsory Military Service Act, 2017 (WCMSA) which mandates that all citizens of Westeros should join the army. The objective of this law is to build an army which can attack the rebels, stop the launch of Dracarys and prevent the death of millions. Any person who does not join the army is liable to be punished by death.

A lot of Starke's old connections have offered him the opportunity to safely leave Westeros. Starke is under a dilemma - Should he follow the law of Westeros and join the army against his old allies or should he leave?

You are a student of political obligations and have to advise Starke. Please answer the following questions:

1. Do you think Starke has an "obligation" to follow the WCMSA? What does it mean to have an "obligation" or "duty" to follow the law? [2 Marks]
2. List any THREE theories of political obligation that you may have read which are relevant to this moral inquiry. Explain how the authors of these theories would view this situation. [9 Marks]
3. Given the theories that you have mentioned, how would you advise Stark in this case? Justify your answer and defend it against possible counter-arguments.
[5 Marks]
4. What do think is the extent and limits of Starkes obligation to obey the law?
[4 Marks]

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RESEARCH TOOLS FOR BUSINESS DECISION MAKING

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 2 = 10 Marks)

Answer any FIVE of the following questions:

1. What is Business Research?
2. Write short notes on
 - (i) Hypothesis
 - (ii) Research Problem
3. Give any two distinctions between Random Sampling and Non-Random Sampling.
4. Write short notes on
 - (i) Median
 - (ii) Standard Deviation
5. The following table gives the marks obtained by 10 students in an examination. Calculate Mean marks using short cut method:

S. No.	1	2	3	4	5	6	7	8	9	10
Marks	33	35	44	34	41	45	39	46	38	47

6. From the following data calculate the Modal wage:

Wages (Rs.)	35	36	37	38	39	40
No. of Workers	15	25	45	70	55	20

Part – B (2 X 5 = 10 Marks)

Answer any TWO of the following questions:

7. Calculate Median from the following the following data:

Marks	10-25	25-40	40-55	55-70	70-85	85-100
Frequency	6	20	44	26	3	1

8. Prices of a particular commodity in Five years in two cities are given below:

Price in City A	20	22	19	23	16
Price in City B	10	20	18	12	15

From the above data find the city which had more stable prices by calculating Coefficient of variation.

9. From the following data compute Standard Deviation from Actual Mean:

Marks	10	20	30	40	50	60
No. of students	8	12	20	10	7	3

10. Consider the following frequency distribution of Marks scored by 86 students in a Competitive Examination. Determine Quartile Coefficient of Dispersion:

Wages (Rs.)	30-32	32-34	34-36	36-38	38-40	40-42	42-44
Labourers	12	18	16	14	12	8	6

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HISTORY – I (INDIAN HISTORY)

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 1 = 5 Marks)

Answer ALL the questions:

Choose the Correct answer of the following:

1. Who said? History is 'science no less and no more'.
 - a. Herodotus
 - b. A.L. Rowse
 - c. Bury
 - d. E.H. Carr
2. Who among the following ladies wrote a historical account during the Mughal period?
 - a. Gulbadan Begum
 - b. Noorjahan Begum
 - c. Jahanara Begum
 - d. Zebun-nissah Begum
3. Harshacharita was authored by
 - a. Ashvakosha
 - b. Bana
 - c. Visahadatta
 - d. Harsha
4. The Sangam text *Tholkappiam* is a work on
 - a. Music
 - b. Medicine
 - c. Astronomy
 - d. Grammar

5. In the Mauryan period, the duties of *Lachanadhyaksha* were connected with
- Agriculture
 - Forest
 - Port
 - Office of the Mint

Part – B (5 X 2 = 10 Marks)

Answer any FIVE of the following questions in 40 words each:

- “History is Humanistic and Rationalistic”. Justify.
- Bring out the role of the extremist and the rationalist school of thinkers in the making of modern India.
- Give an account on the position of women during the Vedic Age.
- Mention two very high officials under Mauryas.
- Point out the four kinds of courts in Gupta’s reign.
- Write a short note on *Dharmasteya* and *Kantakasodhana*.

Part – C (1 X 5 = 5 Marks)

Answer the following question in detail:

12. Write the detailed note on Scope of History.

[OR]

Throw light on the nature of Society in Ancient India during pre Gupta Age.

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MARKETING MANAGEMENT

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions:

1. How will you classify the modern market? Explain them with suitable examples.
2. “Marketing starts and ends with Consumers” – Comment.
3. Analyse the 7 Ps of any market which comes under perfect market.
4. Examine Maslow’s Hierarchy of Needs from the marketers’ perspective.
5. Choose your favorite brand of sports shoes and analyze its marketing and communications strategy.
6. Discuss buyer patterns and behavior in terms of the process consumers goes through when making decisions regarding, say, the purchase of a car.

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LAW OF CONTRACTS-I (GENERAL PRINCIPLES OF CONTRACT)

Time: 1½ Hours

Maximum Marks: 20

PART-A (2 X 4 = 8 Marks)

Answer any TWO of the following problems applying legal principles and decided cases.

1. Ramesh agrees to sell his car to Suresh at a price to be fixed by Mahesh. Mahesh fixes up the price of Car and Ramesh refuses to sell the car. Is the refusal by Ramesh valid in law?
2. Gandhi, as on 01.02.2019 has completed 18 years and 1 day. An agreement was entered with him by Rajaji agreeing to sell his Motorbike on 20.02.2019. Gandhi also agreeing to purchase the same. Is the agreement valid between the parties?
3. Good Wishes Society Limited, located in Patna, is a society registered under The Society Registration Act and carries out Public Welfare activities. As part of their endeavor, they decided to collect subscription and towards the construction of a big auditorium with all facilities. Gupta, residing at Patna agreed to subscribe Rs.50,000/- and many others also did so. Based on the faith of these subscriptions, the society proceed with the construction and also completed the same. But, Gupta, who promised to pay Rs. 50,000/- refused to pay the amount raising the plea that auditorium will not be any use to him. In view of this defence, is it open to the society to compel Gupta to make the payment?

PART-B (2 X 4 = 8 marks)

Answer any TWO of the following questions in about 400 words.

4. A relationship between any two or more persons gets established though exchange of statements. But, all statements are not said to constitute a valid offer resulting in creation of a valid relationship as known to law. Analyze this statement in the light of the ingredients that would constitute a valid Offer.

5. Minors are said to possess weak compos mentis and hence law has extended protection to them under Section 11 of Indian Contract Act. However, attempts were made by lawyers using their ingenuity to fasten liability on the minor by invoking Doctrines known to other branches of law. Elucidate this statement and this state if lawyer succeeded in their attempts to fasten liability on the minors outside the realm of Law of Contract.
6. When Vinculum Juris (Legal tie) results in between the parties, it may be noted that 'Consideration' had played a crucial role in fixing up 'who is who' relation. Explain this statement and bring out the importance of the Doctrine of Stranger to Contract with exceptions if any.

PART-C (2 X 2 = 4 Marks)

Write short notes on any TWO of the following in about 50 words.

7.

- (a) Standing offer
 - (b) Lapse of offer
 - (c) Person of Unsound Mind
 - (d) Voidable Contract
-

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First Year - Second Semester, Mid-Semester Examinations (Even-Semester), March 2019

FAMILY LAW - I

Time: 1½ Hours

Maximum Marks: 20

Part – A (2 X 7 = 14 Marks)

Answer any TWO of the following questions:

1. Faizal and Mumtaz are both employees at Jannat, a hotel booking online web portal, at its head office in Delhi. After three months of working together, they got married to each other in accordance with Muslim law. The mehr was fixed at Rs.30,000/- and was agreed to be prompt. Within six months of their marriage, Mumtaz exercised her right to delegated divorce/talaq-e-tafweed prescribed under the nikahnama they had signed during marriage. Faizal paid her Rs.2,000/- per month for three months as maintenance, but stopped the payments after that. Faizal is a Shia Muslim and Mumtaz is a Sunni Muslim.

1.1. Is Faizal required to pay the mehr amount to Mumtaz? When does the amount of mehr become payable/not payable to Mumtaz? (2 Marks)

1.2. Can Mumtaz ask for maintenance post the three month period? Support your answer using statutory provisions and case law, where necessary.

(3 Marks)

1.3. Was it mandatory for Faizal to pay maintenance to Mumtaz during the three months after the divorce? Why or why not? (2 Marks)

2. Thalia and Rizwan are married and their Nikah took place on April 29, 2014. On June 13, 2015, they got into a fight, and Thalia left the matrimonial home in Mumbai in a fit of anger and went to her parent's house in Thrissur, Kerala. On June 14, 2015, Rizwan pronounced unilateral Talaq on Thalia in her absence but in the presence of witnesses. Thalia was the caretaker for Rizwan's ailing mother, and was working part-time as a photographer in a company in Versova, Mumbai. She came back in a week to Rizwan's house, but at this time, Rizwan had gone to Delhi on a project for his company. His mother informed Rizwan on June 28th, 2015, that Thalia had come back home, over the phone. He

replied, 'Ok fine' and continued talking about other matters. During the next couple of months, he remained in contact with Thalia as well as his mother through telephonic conversations. In September 30th, 2015, on his impending return to Mumbai, Rizwan arranges for a nikah with Thalia again and she had to go through it. That is when she found out that she was given Talaq in June. Based on the above facts, answer the following questions, giving reasons for your answer:

- 2.1. *On September 30th, 2015, on the date of return of Rizwan, what was the marital status of both the parties? In other words, were they validly divorced, or still married? (3 Marks)*
 - 2.2. *On the basis of your answer to the previous question, comment on the necessity, and the effect of the nikah that took place on September 30th, 2015, if the parties wanted a marriage relationship to exist between them. (2 Marks)*
 - 2.3. *If Thalia, aggrieved by the turn of events, decides that she wants to obtain a divorce from Rizwan, what options are available to her under Muslim personal law? (2 Marks)*
3. Gabriel and Adam, Christian by religion are married on 20.03.2016 in the St. John's Church in city X. Their marriage was solemnized by Pastor Daniel Joseph of St. Benedict Church, in city Y. They registered their marriage under the Christian Marriage Act, 1872. A son was born to them in the year 2017. After the birth of their child, Adam observed that Gabriel started behaving little strangely. He observed that she spend most of her time praying and visiting the church. However, their son was being taken care by Gabriel's mother who was currently staying with them. Moreover, Gabriel was avoiding any sexual interaction with Adam post delivery. In October 2018, Adam tried to talk to Gabriel with regard to the change in her attitude. During the conversation, Gabriel says that

"... my dear Adam, I am been enlightened by the blessings of Mother Mary. Mother Mary has come in my dreams and revealed that I have a holy purpose in this world. I have to help the suffered souls and aid the damned humans from this cruel world. I know you will take care of our dear son. However, I must say that I should now take leave from the chaos of a marital bond and serve a larger purpose..."

Adam was really confused with the statement and decided to seek the help of elders and even the church pastor but in vain. However, while talking to Gabriel's mother with regard to her behavior, he was informed that Gabriel had behaved like this before marriage and they had taken to the church pastors as

well as treated her with Psychiatrist 6 months before their marriage. Disheartened he decided that he should seek a legal remedy.

3.1. Keeping the above facts in mind, opine whether Adam can claim the remedy of nullity of marriage as per the relevant laws? (3.5 Marks)

3.2. If Adam is unable to seek for nullity of marriage, under what grounds can he seek for divorce against Gabriel? (3.5 marks)

Part – B (1 X 6 = 6 Marks)

Answer any ONE of the following questions:

4. Explain the remedy of Restitution of Conjugal Rights (RCR) available under the Personal laws. Keeping the same in mind answer the following –

Ram and Sita are married as per the Hindu rites and rituals in the year 2017. Ram was very introvert in character where as Sita was very social and outgoing. One day, when Ram was in his office, his colleague, who was friend of Sita too, showed the posts of Sita hanging out with her friends shopping and posting pictures in Instagram. He also commented to Ram that “...*Your wife is enjoying her life yaar... don't you feel it's too much...*” Upon hearing such a comment, Ram went back home bit disturbed and tried to talk to Sita which went into a big fight between them. In anger she decided to leave their home. However, Ram regretted his fight and tried to reconcile with Sita and tried to convince her to be back with him. After 6 months of trying to get Sita back, Ram decides that he needs the legal remedy.

4.1. Can Ram avail the remedy of RCR under the Hindu Marriage Act, 1955?

4.2. If Sita decided to challenge the Constitutionality of RCR, what is your opinion on the same?

[OR]

5. What are the essential ceremonies to be followed during a Hindu wedding? Based on your response to the question above, please answer the following, including the reason for your answer:

5.1. If a Hindu bride does not want her parents to be present during a wedding, thus skips the ceremony of 'kanyadan' would the marriage still be validly performed?

5.2. If a Hindu couple walks around a lit agarbatti/incense stick, would it constitute an essential ceremony of Hindu Marriage?

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Second Year - Fourth Semester, Mid-Semester Examinations (Even-Semester), March 2019

HISTORY-II (LEGAL HISTORY)

Time: 1½ Hours

Maximum Marks: 20

Part-A (6 X 1 = 6 Marks)

Answer all the questions. Choose the Correct answer of the following:

1. Which among the following is not the characteristic of Law?
 - a. Definite
 - b. Flexible
 - c. Police Power
 - d. Final

2. Proclamations issued by a superior magistrate on judicial matters in Roman Law was known as
 - a. *Leges*
 - b. *Edicta*
 - c. *SenatusConsulta*
 - d. *ConstitutionesPrincipum*

3. In 1668 the executive government under a Deputy Governor and Council in Bombay was established by
 - a. Sir George Oxenden
 - b. Thomas Papillon
 - c. Gerald Aungier
 - d. Charless – II

4. In Calcutta the civil court or court of Cutchery was presided by
 - a. Collector
 - b. *Zamindar*
 - c. Professional lawyer
 - d. Judge Advocate

5. The first charter which established English Law in India was
- Charter of 1661
 - Charter of 1687
 - Charter of 1726
 - Charter of 1774
6. Sir John Biggs was appointed as judge-advocate of the
- Mayor Court
 - Admiralty Court
 - Chaultry Court
 - Court of Judicature

Part-B (3 X 2 = 6 Marks)

Answer any THREE of the following questions in 60 words each:

- Define meaning and concept of Law.
- State the different categories of Roman Law.
- Comment on aims and objectives of the Charter of 1600.
- Give an account on the jurisdictions and working of Supreme Court at Calcutta.

Part-C (2 X 4 = 8 Marks)

Answer the following questions in detail:

11. Discuss the contributions of Henry Maine on Legal History.

[OR]

Describe the administration of Justice and Judicial institutions in Madras and Bombay before 1726.

12. Throw light on the features of the Regulating Act, 1773 and Charter of 1774.

[OR]

Was Raja Nand Kumar's Trial was a Judicial Murder? Justify.

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POLITICAL SCIENCE (POLITICAL THEORY AND ORGANIZATIONS)

Time: 1½ Hours

Maximum Marks: 20

Part-A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions. Each answer should not be less than 300 words.

1. Define Political Science and discuss its Nature and Scope.
 2. Explain the Historical or Evolutionary theory of origin of State.
 3. Define Sovereignty and critically analyze Austin's theory of Sovereignty.
 4. Define Law and discuss the various types of Laws.
 5. Explain the important Civil and Political Rights of a Citizen.
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SOCIOLOGY-III (LAW AND SOCIETY)

Time: 1½ Hours

Maximum Marks: 20

Part-A (3 X 3 = 9 Marks)

Answer any **THREE** of the following according to Foucault with examples.
Each Question carries three marks:

1. Three elements of Disciplinary Power
2. The objectives of Exercise in a monastery and a Prison
3. Penalty
4. Classical Period

Part-B (6 X 1 = 6 Marks)

Answer **ALL** the questions. Each question carries one mark:

5. Which of the following is **NOT** the feature of English Common Law?
 - (a) Uniformity
 - (b) Presence of Jury
 - (c) Precedents
 - (d) Developed in England only
6. The Latin term '*Judicium Dei*' refers to _____
7. The German word Recht in Marx's writings refers to _____
8. Mention the two important contributions of Robert Peel in English Legal System of 19th century.
9. The British King known as father of Common Law is _____
10. John Lilburn articulated two important birth rights of all Englishmen. What are the two?

Part-C (1 X 5 = 5 Marks)

Answer the following question. It carries five marks:

11. Explain the Five building blocks of Ideology of Karl Marx.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Fourth Semester, Mid-Semester Examinations (Even-Semester), March 2019

COST AND MANAGEMENT ACCOUNTING

Time: 1½ Hours

Maximum Marks: 20

Part-A (5 X 2 = 10 Marks)

Answer any FIVE of the following questions:

1. Write any two objectives of Cost Accounting.
2. Write a short note on
 - (i) Indirect Material
 - (ii) Administration overheads
3. What is Standard Costing?
4. Write short notes on
 - (i) Stores Ledger
 - (ii) Inventory Control
5. Find out the Maximum consumption
Re-order level 4,000 units, Minimum level 2,000 units
Re-order period 2 to 4 weeks.
6. Find out the Economic Ordering Quantity from the following
Annual usage Rs.1,20,000/-, Cost of placing an order Rs.15/-,
Annual carrying cost 10 % of inventory value.

PART – B (2 X 5 = 10)

Answer any TWO of the following questions:

7. Distinguish between Financial Accounting and Cost Accounting.
8. The following data relate to the manufacture of a product during the month of April.

Raw materials consumed Rs.80,000

Direct Wages Rs.48,000

Machine hours worked Rs.8,000

Machine hour rate Rs.4

Office overhead 10% on works cost

Selling overhead Rs.1.50 per unit

Units produced Rs.4,000

Units sold 3,600 at Rs.50 each

Prepare a cost sheet and show:

1. Cost per unit 2. Profit for the period

9. Draw a stores ledger card recording the following transactions under FIFO Method:

2010 July 1	Opening stock 2000unit @ Rs.10 each
5	Received 1,000 units @ Rs. 11 each
6	Issued 500 units
10	Received 5,000 units @ Rs.12 each
12	Received back 50 unit out of the issue made on 6 th July
14	Issued 600 units
18	Returned to supplier 100 units out of goods received on 5 th
19	Received back 100 units out of the issue made on 14 th July
20	Issued 150 units
25	Received 500 units @ Rs.14 each
28	Issued 300 units.

The stock verification report reveals that there was a shortage of 10 units on 18th July and another shortage of 15 units on 26th July.

10. A supplier quotes for material M as follows:

Lot price 200Kg @ Rs. 5 per Kg.

500 Kg @Rs.3.5 per Kg.

800 Kg @ Rs.2.5 per Kg.

He allows a trade discount of 25% and a cash discount of 3% if payment is made within 15 days. One container is required for every 100 Kgs of the materials and the containers are charged at Rs.15 each but credited at Rs.10 on return. The buyer decides to buy 800 Kgs. Transport charges amounting to Rs.200 are charged by the supplier. Calculate the purchase price of 800 Kgs.

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Second Year - Fourth Semester, Mid-Semester Examinations (Even-Semester), March 2019

CONSTITUTIONAL LAW -II

Time: 1½ Hours

Maximum Marks: 20

Part – A (10 Marks)

1. Write Notes on the following:

- a) Governor's role in case of hung Assembly post election. (2½ Marks)
- b) The need and relevance of Finance Commission. (3 Marks)
- c) Explain the application of the principle of harmonious construction through the facts, reasoning and decision of at least one judgment of the Supreme Court of India. (4½ Marks)

Part – B (1 X 10 = 10 Marks)

Answer any ONE of the following questions:

2. M/S Wakanda VFX Public Ltd. (Wakanda) is a start up having its registered office in India, developing visual effects for movies. Being a start up and to expand its market, they employed Tomorrowland Inc., (Tomorrowland) having its registered office and operations in Los Angeles, USA to procure orders and to promote business. Wakanda pay commission/fee to Tomorrowland for the services rendered by them. Wakanda as recipient of services by a foreign company was made liable to pay service tax under Section 66A of the Finance Act, 2018.

In Writ Petition, the petitioner, Wakanda has challenged the constitutional validity of Section 66A of the Finance Act, 2018. The petitioner has also prayed for a writ of *mandamus* declaring that the petitioner is not liable to pay service tax on the commission/fee paid to the company located in USA, for promoting and marketing its services in USA.

You are a clerk working for the judge at the SC of India, who has asked you to prepare a detailed note on the constitutional issues including relevant judgments relating to the matter that she can be informed while arriving at and writing the judgment.

Relevant portion of the Law is summarised/extracted below

Finance Act, 2018

Section 2 (a) Section 64 of the Act defines the geographical boundary of operation of the Act and specifically provides that the Act will extend to whole of India except State of Jammu and Kashmir. Clause (3) of the above section 64 further provides that the Act shall apply to taxable services provided.

(d) 'person liable for paying the service tax' means,—

...

“(iv) in relation to any taxable service provided or to be provided by a person, who has established a business or has a fixed establishment from which the service is provided or to be provided, or has his permanent address or usual place of residence, in a country other than India, and such service provider does not have any office in India, the person who receives such service and has his place of business, fixed establishment, permanent address or, as the case may be, usual place of residence, in India.”

Section 66A of the Finance Act, 2018 reads as follows:

(1) Where any service specified ... is,-

- (a) provided or to be provided by a person who has established a business or has a fixed establishment from which the service is provided or to be provided or has his permanent address or usual place of residence, in a country other than India, and
- (b) received by a person (hereinafter referred to as the recipient) who has his place of business, fixed establishment, permanent address or usual place of residence, in India, such service shall, for the purposes of this section, be taxable service, and such taxable service shall be treated as if the recipient had himself provided the service in India, and accordingly all the provisions of this Chapter shall apply:

Provided that where the recipient of the service is an individual and such service received by him is otherwise than for the purpose of use in any business or commerce, the provisions of this sub-section shall not apply:

Provided further that where the provider of the service has his business establishment both in that country and elsewhere, the country, where the establishment of the provider of service directly concerned with the provision of service is located, shall be treated as the country from which the service is provided or to be provided.

(2) Where a person is carrying on a business through a permanent establishment in India and through another permanent establishment in a country other than India, such permanent establishments shall be treated as separate persons for the purposes of this section.

Explanation 1-A person carrying on a business through a branch or agency in any country shall be treated as having a business establishment in that country.

Explanation 2-Usual place of residence, in relation to a body corporate, means the place where it is incorporated or otherwise legally constituted.

[OR]

3. The Parliament enacted the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) which permits the sale of the property of any person, offered to a bank as security for any financial facility, so as to recover the dues to the Bank.

Mr. Mahesh Debnath (MD), one of the customers in the UCO Bank, Tripura defaulted in the payment of his EMI due on interest payable to the bank because of insufficient funds. In spite of constant notices from the bank authorities, he failed to comply with the requisite notice period set by the bank. As a result, on 5th March, 2019, a sale notification under Section 13 of the SARFAESI Act was issued by the bank for auction-sale of his mortgaged land. Following the notification, the sale was executed on 27th March, 2019 to a group of auction purchasers.

Aggrieved by the sale, MD filed a writ petition challenging the notification and the ensuing proceeding under the SARFAESI Act. He contended that as a tribal belonging to the Bhutia community of Tripura, UCO Bank has no authority under the SARFAESI Act to sell his land to the persons not belonging to the Scheduled Tribe. He challenged that under Section 187 of the Tripura Land Revenue and Land Reforms Act, 1960 (Tripura Act) there is a legislative embargo on the sale of mortgaged properties by the bank to any person who is not a member of a Scheduled Tribe. The auction purchasers in the present case happened to be the persons who are not members of any Scheduled Tribe. Hence, the Sale Notification dated 5.03.2019 issued by UCO Bank and the proceeding thereafter under the provisions of SARFAESI Act, 2002 was in infraction of Section 187 of the Tripura Act, 1960.

As Attorney General to the Government of Tripura, explain to the officers of State the nature of conflict between the two legislations, laying emphasis on the interpretation of applicable entries, application of all relevant provisions of the Indian Constitution and decided cases on the issue.

Relevant portion of the Law is summarised/extracted below

SARFAESI Act: “Section 13: (1) Enforcement of Security Interest – ... any security interest created in favour of any secured creditor may be enforced, without the intervention of the court or tribunal, by such creditor in accordance with the provisions of this Act. ...

... (4) In the case the borrower fails to discharge his liability in full within the period specified in sub-section (2), the secured creditor may take recourse to one or more of the following measures to recover his secured debt, namely:- (a) take possession of the secured assets of the borrower including the right to transfer by way of lease, assignment or sale for realizing the secured asset...”

Tripura Act: “Section 187: Special provision regarding Scheduled Tribes – ... Provided that the land transferred to a co-operative society or to a bank by way of mortgage in pursuance of clause (c) shall not be transferred by such society or bank to a person who is not a member of the Scheduled Tribes without the permission of the District Collector in writing.”

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

Second Year–Fourth Semester, Mid-Semester Examinations (Even-Semester), March 2019

PROPERTY LAW

Time: 1½ Hours

Maximum Marks: 20

Instruction:

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

Part – A (1 X 8 = 8 Marks)

Answer any ONE of the following questions:

1. Ramesh and Suresh are brothers. Ramesh lives in Mumbai. He owns three plots of land in Pune which he decided to dispose. He sells one plot of land to Suresh and puts a condition that as the plot being sold to him is surrounded by properties of other family members, the plot could further be sold to a family member only. Out of the other two plots, Ramesh decided to sell one plot to his friend Xavie for a consideration of Rs.30 Lakhs and puts a condition that in future if he wants to sell the property, he should only sell it to Ramesh's elder son Abigya at Rs.50 Lakhs. He also puts a condition that construction on the property should not exceed three storeys to prevent obstruction of light to neighbouring houses. None of the neighbouring houses are owned by Ramesh. Ramesh also purports to gift his friend Jayant's flat to his younger son Suraj and offers to gift Jayant the third plot of land in lieu of his flat.

In light of the above facts, answer the following questions briefly:

- Identify the valid and invalid conditions put forth by Ramesh (3 Marks)
- Also put forth the consequence of such conditions on the transfers and identify which conditions run with the land (3 Marks)
- What is the condition on which Jayant can benefit from Ramesh's transfer? Mention this doctrine (2 Marks)

[OR]

2. Azin is a very wealthy person and is the managing director of a well known software company, Bipro. On his sixtieth birthday, he executes a gift deed. Sainu, the sub-registrar from Karumandapam Sub-Registrar office who is the son-in-law of Azin is also present and signs as one of the two witnesses to the gift deed. According to the gift deed, all of his property is gifted to Ben, his son and Rima, his daughter for their life, and the remainder to children born to Ben and Rima, when they attain the age of 20. After executing the gift deed, Azin, Ben, Rima and Rima's children-Meera and Mukunt along with Sainu go to the Sub-Registrar Office to register the gift deed. Registration of gift is completed. Two years later, Trisha and Tivian are born to Ben.

(a) Is the gift deed duly attested? (2 Marks)

(b) If the gift deed is valid,

(i) Who all have a vested interest in Azin's property?(2 Marks)

(ii) Who all have a contingent interest in Azin's property and what is the contingency?(2 Marks)

(iii) If Ben and Rima pass away before the contingency is fulfilled, are the grandchildren entitled to the property by virtue of the gift deed?

(2 Marks)

Part – B (2 X 6 = 12 Marks)

Answer any TWO of the following questions:

3. ABC is an artist and event management company. ABC organise two major art festivals called SH 10 Weekender and the Panjim Biennale. SH 10 Weekender is a travelling music festival. The artists travel in five buses for one month. The buses are designed and equipped with sound and video facilities to do performances along the road, SH. The Panjim Biennale is mainly themed around the cosmopolitan culture of Panjim as a port city lined with Churches and old port buildings. The fest occurs in two main venues, one on the ground near the oldest Church in Panjim, and second inside the port buildings of Panjim. Both the ground and the port building along with various equipments fixed are owned by ABC. XYZ, a global artist and event management company is interested to acquire ABC.

Comment with the support of case law, whether

(a) Transfer of properties associated to SH 10 Weekender is transfer of movable or immovable property?(3 Marks)

(b) Transfer of properties associated to Panjim Biennale is a transfer of movable or immovable property? (3 Marks)

4. Sultanpur is an estate owned by Laloo in Tamil Nadu. Prasanna who was in occupation of a land adjacent to the estate, had signed an agreement with Laloo in 1985 to purchase Sultanpur from Laloo for a consideration of 10 Lakh Rupees out of which 1 lakh was paid. In 1988, the government of Tamil Nadu issued Land Ceiling Notification whereby Sultanpur was notified as surplus land and came under the ownership of Government of Tamil Nadu. On January 1990, Laloomislead Maheshwari regarding its ownership and sold Sultanpur to her through a registered sale deed. Later in September 1990, Sultanpur was denotified as surplus land. Based on the denotification order, Maheshwari filed an application for mutation in January 1991 and her name was entered in the revenue record. In 1993, Prasanna based on the 1985 sale agreement and alleging that Laloo at the time of 1990 sale deed did not have any ownership of Sultanpur, took possession of it. Maheshwari filed a suit for title and possession before the appropriate court

a) Frame the relevant issues of law (3 Marks)

b) Determine who will have the title and possession of the property (3 Marks)

5. Srijunis married to Sheila. Sheila is the owner of a sea facing house at Goa. Sheila is a doctor and because of her demanding job is unable to take care of her property matters. All the property matters are handled by Srijun and he does so with Sheila's full consent. Srijun takes all the decisions regarding the property, collects rent, pays taxes and his name also appears at the revenue records. Srijun without the permission of Sheila sells the house at Goa to Rashid. A fight ensues between Srijun and Sheila. Sheila now wants her property back from Rashid and files a suit against him. Rashid meanwhile sells the property to Riya who was aware of the suit between Sheila and Rashid.

a) Can Riya implead herself in the suit between Sheila and Rashid?(3 Marks)

b) Write the judgment for the suit between Sheila and Rashid deciding the ownership and title over the suit property. (3 Marks)

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Second Year–Fourth Semester, Mid-Semester Examinations (Even-Semester), March 2019

JURISPRUDENCE

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 2½ = 10 Marks)

Answer any FOUR of the following questions: (Word Limit: Max 10 sentences per answer)

1. What does Hart mean by “open texture” of law? Explain with examples.
2. What do you think is the primary deficiency of Austin’s theory of law? Explain.
3. What is the *grundnorm* of the Indian Legal System? Explain with reference to the pure theory of law.
4. The King in a monarchy, X, passes a dictum that “Any person who is shorter than 5 feet should be killed”. Do you think this dictum is valid law? Explain with reference to the natural law theory.
5. What is the difference between fact and rule scepticism?

Part – B (1 X 10 = 10 Marks)

Answer any ONE of the following questions: (Word Limit: Max 40 sentences per answer)

6. Regina is a benevolent Queen who believes that all his subjects should respect her. She passes a law which mandates that no person while thinking about the Queen, shall visualise her wearing anything other than the royal outfit. She calls this law “No thinking of the Queen without Royal Outfit Act” (NTQRO). Is NTQRO a valid law? Explain with reference to the Hart-Fuller debate.
7. Consider a county in which the municipal rule made by the town council states that you cannot smoke in public places. Not following this rule would result in a fine of Rs. 100, which would be collected by the police. In the same county, there is a Gangster, P. Yadav, who gives a declaration that any person who does not smoke will be shot dead. What do you think is the difference between the municipal rule and the Gangster’s declaration? Which one of the two, would Hart consider as Law? Give reasons for your answer.

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

Second Year - Fourth Semester, Mid-Semester Examinations (Even-Semester), March 2019

ADMINISTRATIVE LAW

Time: 1½ Hours

Maximum Marks: 20

Instruction:

Answer with appropriate Principles(s) and relevant Case Law(s).

Part – A (1 X 6 = 6 Marks)

Answer any ONE of the following questions:

1. *Does any human being read through this mass of Departmental Legislation?* asked Lord Hewart (Gordon Hewart, *The New Despotism* (Ernest Benn Ltd. 1929)

Perhaps not, but since ignorance of law is no excuse for breaking it, administrative rules and regulations must be readily available to the public. In the light of this observation, discuss the publication of administrative rule-making in India and strategies for future action, if any.

2. **Write Short Notes on any TWO:**

- a. Sub-Delegation
- b. Relationship between the Rule of Law and the Social Welfare State
- c. Doctrine of Separation of Powers in the context of Executive Power under Articles 162/73 of the Constitution of India

Part – B (2 X 7 = 14 Marks)

Please solve the issues arising from the following hypothetical enactments in ANY TWO of the questions below.

3. Under the Part C State Laws Act, 1970, (PCLA) the Central Government was authorized to extend with such restrictions and modifications as it deemed necessary any Part A law to a Part C State.

The Minimum Wages Act, 1971 (MWA) of State X was enacted “*to provide for a statutory fixation of minimum wages in industries employing unorganized labour and to prevent exploitation of workers*”. The schedule attached to the MWA specifies the employments in respect of which minimum wages of employees can be fixed – for instance – employment in glass industry, employment in oil mills, and employment in quartz mines. Section 27 authorises the State Government, after giving “not less than three months notice” of its intention to do so, “to add to the schedule, any other employment” in respect of which it is of the opinion that minimum rates of wages should be fixed.

In September 1972, through notification number S.R.O. 715, the Central Government extended the MWA to State Y (a Part C state) with the following modification:

Section 27 - for the words “three months’ notice”, the word; “such reasonable notice” shall be substituted.

In October, 1972, the State Government included the textile industry as an additional item in the schedule, and on October 20th issued a notification fixing minimum wages under the Act for that employment.

The petitioners, who run a cotton mill in State Y, challenged Section 27 of the MWA citing excessive delegation, and S.R.O. 715 on the ground of improper use of the power under the PCLA.

You are a judge of the Supreme Court of India. Based on case-law, how would you decide this case?

4. Section 3(1) of the ABC Municipal Corporation Act, 1997, empowers the Corporation to impose taxes “for the purposes of the Act”. Section 3(2) of the Act further states:

Without prejudice to the generality of powers conferred under Section 3(1), the Corporation may impose the following taxes, namely...

(v) theatre tax on cinema halls

In exercise of its powers under Section 3(2)(v), the Corporation wants to impose a tax on movie projectors arguing that the power to tax cinema halls includes the power to impose taxation on items that were necessary to the functioning of cinema halls, and that in any case, it could locate its power to impose the tax under Section 3(1). Meanwhile, the Parliament is concerned that

its conferring of the power of taxation on the Corporation under Section 3, may be challenged in Court as excessive delegation.

With the help of case-law, advise (i) the Corporation of the legality of its proposed tax and (ii) the Parliament on how to counter a challenge of excessive delegation.

5. The Parliament is debating Section 3 of the Medical Treatments Act, 1990 whereby, the Central Government under Section 3(1) is authorized to make and issue orders providing for the regulation of prices through the control of production and supply of medicines curing, or mitigating life-threatening diseases. One of the Parliament's chief concerns is the language of the laying clause in Section 3(2). Two draft laying clauses have been circulated between members.

Draft Clause A

“all orders made under this section may be laid for not less than fourteen days before Parliament as soon as may be after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as Parliament may make on a motion made during the session in which they are so laid.”

Draft Clause B

“every order made under this section by the Central Government shall be laid before both Houses of Parliament as soon as may be, after it is made.”

You have been appointed consultant to the Parliamentary Committee on Sub-ordinate Legislation. Using appropriate case-law, answer the following questions the Parliament has put to you:

- i. What is the degree of control the Parliament should exercise over the power of the Central Government under Section 3(1) through a laying clause?
- ii. What is the nature of the draft laying clauses and whether they are directory or mandatory?
- iii. Based on your answers under (i) and (ii), are there any modifications you would suggest to the language of the draft clauses?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Sixth Semester, Mid-Semester Examinations (Even-Semester), March 2019

POLITICAL SCIENCE-IV (PUBLIC ADMINISTRATION)

Time: 1½ Hours

Maximum Marks: 20

Part-A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions. Each answer should not be less than 300 words.

1. Define Public Administration and Distinguish between Public and Private Administration.
 2. Define Public Policy and discuss the types and various stages of Public Policy.
 3. Explain Henry Fayol's "General Principles of Management".
 4. Explain the importance of "Span of Control" as a principle in running the organization.
 5. Explain the Political and Administrative Powers and Functions of the Chief Executive.
-

Name : Register No.: **TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI****B.Com. LL.B. (Hons) Degree Programme**

Third Year - Sixth Semester, Mid-Semester Examinations (Even-Semester), March 2019

FINANCIAL MANAGEMENT AND PRACTICAL AUDITING

Time: 1½ Hours

Maximum Marks: 20

Part-A (2 X 5 = 10 Marks)**Answer any TWO of the following questions:**

1. Financial Management is nothing but managerial decision making on asset mix, capital mix and profit allocation – Explain.
2. How far do you think that the goal of wealth maximization is a better operative criterion over the earlier profit maximization?
3. Differentiate Risk from uncertainty with appropriate examples.

Part – B (1 X 10 = 10 Marks)**Answer any ONE of the following questions:**

4. A company is contemplating to purchase a machine. Two machines A and B are available, each costing Rs.5,00,000/-. In Comparing the profitability of the machines, a discounting rate of 10% is to be used and machine is to be written off in five years by straight line method of depreciation with nil residual value. Cash inflows after tax are expected as follows:

Year	Machine A (Rs. in Lakhs)	Machine B (Rs. in Lakhs)
1	1.5	0.5
2	2.0	1.5
3	2.5	2.0
4	1.5	3.0
5	1.0	2.0

Indicate which machine would be profitable using the following methods of ranking investment proposals:

- (a) PBP (b) NPV (c) IRR

5. From the following data calculate the required rate of return under CAPM Model. The 364 days T-Bill yield is 6.51% and Market return is 7.25%.

Market Return	28	41	40	38	35	33	40	32	36	33
Investment Return	23	34	33	34	30	26	28	31	36	38

Table A-3 Present Value Interest Factors for One Dollar Discounted at k Percent for n Periods: $PVIF_{k,n} = 1 / (1 + k)^n$

Period	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%	15%	16%	20%	24%	25%	30%
1	0.9901	0.9804	0.9709	0.9615	0.9524	0.9434	0.9346	0.9259	0.9174	0.9091	0.9009	0.8929	0.8850	0.8772	0.8696	0.8621	0.8333	0.8065	0.8000	0.7692
2	0.9803	0.9612	0.9426	0.9246	0.9070	0.8900	0.8734	0.8573	0.8417	0.8264	0.8116	0.7972	0.7831	0.7695	0.7561	0.7432	0.6944	0.6504	0.6400	0.5917
3	0.9706	0.9423	0.9151	0.8890	0.8638	0.8396	0.8163	0.7938	0.7722	0.7513	0.7312	0.7118	0.6931	0.6750	0.6575	0.6407	0.5787	0.5245	0.5120	0.4552
4	0.9610	0.9238	0.8885	0.8548	0.8227	0.7921	0.7629	0.7350	0.7084	0.6830	0.6587	0.6355	0.6133	0.5921	0.5718	0.5523	0.4823	0.4230	0.4096	0.3501
5	0.9515	0.9057	0.8626	0.8219	0.7835	0.7473	0.7130	0.6806	0.6499	0.6209	0.5935	0.5674	0.5428	0.5194	0.4972	0.4761	0.4019	0.3411	0.3277	0.2693
6	0.9420	0.8880	0.8375	0.7903	0.7462	0.7050	0.6663	0.6302	0.5963	0.5645	0.5346	0.5066	0.4803	0.4556	0.4323	0.4104	0.3349	0.2751	0.2621	0.2072
7	0.9327	0.8706	0.8131	0.7599	0.7107	0.6651	0.6227	0.5835	0.5470	0.5132	0.4817	0.4523	0.4251	0.3996	0.3759	0.3538	0.2791	0.2218	0.2097	0.1594
8	0.9235	0.8535	0.7894	0.7307	0.6768	0.6274	0.5820	0.5403	0.5019	0.4665	0.4339	0.4039	0.3762	0.3506	0.3269	0.3050	0.2326	0.1789	0.1678	0.1226
9	0.9143	0.8368	0.7664	0.7026	0.6446	0.5919	0.5439	0.5002	0.4604	0.4241	0.3909	0.3606	0.3329	0.3075	0.2843	0.2630	0.1938	0.1443	0.1342	0.0943
10	0.9053	0.8203	0.7441	0.6756	0.6139	0.5584	0.5083	0.4632	0.4224	0.3855	0.3522	0.3220	0.2946	0.2697	0.2472	0.2267	0.1615	0.1164	0.1074	0.0725
11	0.8963	0.8043	0.7224	0.6496	0.5847	0.5268	0.4751	0.4289	0.3875	0.3505	0.3173	0.2875	0.2607	0.2366	0.2149	0.1954	0.1346	0.0938	0.0859	0.0558
12	0.8874	0.7885	0.7014	0.6246	0.5568	0.4970	0.4440	0.3971	0.3555	0.3186	0.2858	0.2567	0.2307	0.2076	0.1869	0.1685	0.1122	0.0757	0.0687	0.0429
13	0.8787	0.7730	0.6810	0.6006	0.5303	0.4688	0.4150	0.3677	0.3262	0.2897	0.2575	0.2292	0.2042	0.1821	0.1625	0.1452	0.0935	0.0610	0.0550	0.0330
14	0.8700	0.7579	0.6611	0.5775	0.5051	0.4423	0.3878	0.3405	0.2992	0.2633	0.2320	0.2046	0.1807	0.1597	0.1413	0.1252	0.0779	0.0492	0.0440	0.0254
15	0.8613	0.7430	0.6419	0.5553	0.4810	0.4173	0.3624	0.3152	0.2745	0.2394	0.2090	0.1827	0.1599	0.1401	0.1229	0.1079	0.0649	0.0397	0.0352	0.0195
16	0.8528	0.7284	0.6232	0.5339	0.4581	0.3936	0.3387	0.2919	0.2519	0.2176	0.1883	0.1631	0.1415	0.1229	0.1069	0.0930	0.0541	0.0320	0.0281	0.0150
17	0.8444	0.7142	0.6050	0.5134	0.4363	0.3714	0.3166	0.2703	0.2311	0.1978	0.1696	0.1456	0.1252	0.1078	0.0929	0.0802	0.0451	0.0258	0.0225	0.0116
18	0.8360	0.7002	0.5874	0.4936	0.4155	0.3503	0.2959	0.2502	0.2120	0.1799	0.1528	0.1300	0.1108	0.0946	0.0808	0.0691	0.0376	0.0208	0.0180	0.0089
19	0.8277	0.6864	0.5703	0.4746	0.3957	0.3305	0.2765	0.2317	0.1945	0.1635	0.1377	0.1161	0.0981	0.0829	0.0703	0.0596	0.0313	0.0168	0.0144	0.0068
20	0.8195	0.6730	0.5537	0.4564	0.3769	0.3118	0.2584	0.2145	0.1784	0.1486	0.1240	0.1037	0.0868	0.0728	0.0611	0.0514	0.0261	0.0135	0.0115	0.0053
21	0.8114	0.6598	0.5375	0.4388	0.3589	0.2942	0.2415	0.1987	0.1637	0.1351	0.1117	0.0926	0.0768	0.0638	0.0531	0.0443	0.0217	0.0109	0.0092	0.0040
22	0.8034	0.6468	0.5219	0.4220	0.3418	0.2775	0.2257	0.1839	0.1502	0.1228	0.1007	0.0826	0.0680	0.0560	0.0462	0.0382	0.0181	0.0088	0.0074	0.0031
23	0.7954	0.6342	0.5067	0.4057	0.3256	0.2618	0.2109	0.1703	0.1378	0.1117	0.0907	0.0738	0.0601	0.0491	0.0402	0.0329	0.0151	0.0071	0.0059	0.0024
24	0.7876	0.6217	0.4919	0.3901	0.3101	0.2470	0.1971	0.1577	0.1264	0.1015	0.0817	0.0659	0.0532	0.0431	0.0349	0.0284	0.0126	0.0057	0.0047	0.0018
25	0.7798	0.6095	0.4776	0.3751	0.2953	0.2330	0.1842	0.1460	0.1160	0.0923	0.0736	0.0588	0.0471	0.0378	0.0304	0.0245	0.0105	0.0046	0.0038	0.0014
30	0.7419	0.5521	0.4120	0.3083	0.2314	0.1741	0.1314	0.0994	0.0754	0.0573	0.0437	0.0334	0.0256	0.0196	0.0151	0.0116	0.0042	0.0016	0.0012	*
35	0.7059	0.5000	0.3554	0.2534	0.1813	0.1301	0.0937	0.0676	0.0490	0.0356	0.0259	0.0189	0.0139	0.0102	0.0075	0.0055	0.0017	0.0005	*	*
36	0.6989	0.4902	0.3450	0.2437	0.1727	0.1227	0.0875	0.0626	0.0449	0.0323	0.0234	0.0169	0.0123	0.0089	0.0065	0.0048	0.0014	*	*	*
40	0.6717	0.4529	0.3066	0.2083	0.1420	0.0972	0.0668	0.0460	0.0318	0.0221	0.0154	0.0107	0.0075	0.0053	0.0037	0.0026	0.0007	*	*	*
50	0.6080	0.3715	0.2281	0.1407	0.0872	0.0543	0.0339	0.0213	0.0134	0.0085	0.0054	0.0035	0.0022	0.0014	0.0009	0.0006	*	*	*	*

Table A-4 Present Value Interest Factors for a One-Dollar Annuity Discounted at k Percent for n Periods: $PVIFA = [1 - 1/(1 + k)^n] / k$

Period	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%	15%	16%	20%	24%	25%	30%
1	0.9901	0.9804	0.9709	0.9615	0.9524	0.9434	0.9346	0.9259	0.9174	0.9091	0.9009	0.8929	0.8850	0.8772	0.8696	0.8621	0.8333	0.8065	0.8000	0.7692
2	1.9704	1.9416	1.9135	1.8861	1.8594	1.8334	1.8080	1.7833	1.7591	1.7355	1.7125	1.6901	1.6681	1.6467	1.6257	1.6052	1.5278	1.4568	1.4400	1.3609
3	2.9410	2.8839	2.8286	2.7751	2.7232	2.6730	2.6243	2.5771	2.5313	2.4869	2.4437	2.4018	2.3612	2.3216	2.2832	2.2459	2.1065	1.9813	1.9520	1.8161
4	3.9020	3.8077	3.7171	3.6299	3.5460	3.4651	3.3872	3.3121	3.2397	3.1699	3.1024	3.0373	2.9745	2.9137	2.8550	2.7982	2.5887	2.4043	2.3616	2.1662
5	4.8534	4.7135	4.5797	4.4518	4.3295	4.2124	4.1002	3.9927	3.8897	3.7908	3.6959	3.6048	3.5172	3.4331	3.3522	3.2743	2.9906	2.7454	2.6893	2.4356
6	5.7955	5.6014	5.4172	5.2421	5.0757	4.9173	4.7655	4.6229	4.4859	4.3553	4.2305	4.1114	3.9975	3.8887	3.7845	3.6847	3.3255	3.0205	2.9514	2.6427
7	6.7282	6.4720	6.2303	6.0021	5.7864	5.5824	5.3893	5.2064	5.0330	4.8684	4.7122	4.5638	4.4226	4.2883	4.1604	4.0386	3.6046	3.2423	3.1611	2.8021
8	7.6517	7.3255	7.0197	6.7327	6.4632	6.2098	5.9713	5.7466	5.5348	5.3349	5.1461	4.9676	4.7988	4.6389	4.4873	4.3436	3.8372	3.4212	3.3289	2.9247
9	8.5660	8.1622	7.7861	7.4353	7.1078	6.8017	6.5152	6.2469	5.9952	5.7590	5.5370	5.3282	5.1317	4.9464	4.7716	4.6065	4.0310	3.5655	3.4631	3.0190
10	9.4713	8.9826	8.5302	8.1109	7.7217	7.3601	7.0236	6.7101	6.4177	6.1446	5.8892	5.6502	5.4262	5.2161	5.0188	4.8332	4.1925	3.6819	3.5705	3.0915
11	10.368	9.7868	9.2526	8.7605	8.3064	7.8869	7.4987	7.1390	6.8052	6.4951	6.2065	5.9377	5.6869	5.4527	5.2337	5.0286	4.3271	3.7757	3.6564	3.1473
12	11.255	10.575	9.9540	9.3851	8.8633	8.3838	7.9427	7.5361	7.1607	6.8137	6.4924	6.1944	5.9176	5.6603	5.4206	5.1971	4.4392	3.8514	3.7251	3.1903
13	12.134	11.348	10.635	9.9856	9.3936	8.8527	8.3577	7.9038	7.4869	7.1034	6.7499	6.4235	6.1218	5.8424	5.5831	5.3423	4.5327	3.9124	3.7801	3.2233
14	13.004	12.106	11.296	10.563	9.8986	9.2950	8.7455	8.2442	7.7862	7.3667	6.9819	6.6282	6.3025	6.0021	5.7245	5.4675	4.6106	3.9616	3.8241	3.2487
15	13.865	12.849	11.938	11.118	10.380	9.7122	9.1079	8.5595	8.0607	7.6061	7.1909	6.8109	6.4624	6.1422	5.8474	5.5755	4.6755	4.0013	3.8593	3.2682
16	14.718	13.578	12.561	11.652	10.838	10.106	9.4466	8.8514	8.3126	7.8237	7.3792	6.9740	6.6039	6.2651	5.9542	5.6685	4.7296	4.0333	3.8874	3.2832
17	15.562	14.292	13.166	12.166	11.274	10.477	9.7632	9.1216	8.5436	8.0216	7.5488	7.1196	6.7291	6.3729	6.0472	5.7487	4.7746	4.0591	3.9099	3.2948
18	16.398	14.992	13.754	12.659	11.690	10.828	10.059	9.3719	8.7556	8.2014	7.7016	7.2497	6.8399	6.4674	6.1280	5.8178	4.8122	4.0799	3.9279	3.3037
19	17.226	15.678	14.324	13.134	12.085	11.158	10.336	9.6036	8.9501	8.3649	7.8393	7.3658	6.9380	6.5504	6.1982	5.8775	4.8435	4.0967	3.9424	3.3105
20	18.046	16.351	14.877	13.590	12.462	11.470	10.594	9.8181	9.1285	8.5136	7.9633	7.4694	7.0248	6.6231	6.2593	5.9288	4.8696	4.1103	3.9539	3.3158
21	18.857	17.011	15.415	14.029	12.821	11.764	10.836	10.017	9.2922	8.6487	8.0751	7.5620	7.1016	6.6870	6.3125	5.9731	4.8913	4.1212	3.9631	3.3198
22	19.660	17.658	15.937	14.451	13.163	12.042	11.061	10.201	9.4424	8.7715	8.1757	7.6446	7.1695	6.7429	6.3587	6.0113	4.9094	4.1300	3.9705	3.3230
23	20.456	18.292	16.444	14.857	13.489	12.303	11.272	10.371	9.5802	8.8832	8.2664	7.7184	7.2297	6.7921	6.3988	6.0442	4.9245	4.1371	3.9764	3.3254
24	21.243	18.914	16.936	15.247	13.799	12.550	11.469	10.529	9.7066	8.9847	8.3481	7.7843	7.2829	6.8351	6.4338	6.0726	4.9371	4.1428	3.9811	3.3272
25	22.023	19.523	17.413	15.622	14.094	12.783	11.654	10.675	9.8226	9.0770	8.4217	7.8431	7.3300	6.8729	6.4641	6.0971	4.9476	4.1474	3.9849	3.3286
30	25.808	22.396	19.600	17.292	15.372	13.765	12.409	11.258	10.274	9.4269	8.6938	8.0552	7.4957	7.0027	6.5660	6.1772	4.9789	4.1601	3.9950	3.3321
35	29.409	24.999	21.487	18.665	16.374	14.498	12.948	11.655	10.567	9.6442	8.8552	8.1755	7.5856	7.0700	6.6166	6.2153	4.9915	4.1644	3.9984	3.3330
36	30.108	25.489	21.832	18.908	16.547	14.621	13.035	11.717	10.612	9.6765	8.8786	8.1924	7.5979	7.0790	6.6231	6.2201	4.9929	4.1649	3.9987	3.3331
40	32.835	27.355	23.115	19.793	17.159	15.046	13.332	11.925	10.757	9.7791	8.9511	8.2438	7.6344	7.1050	6.6418	6.2335	4.9966	4.1659	3.9995	3.3332
50	39.196	31.424	25.730	21.482	18.256	15.762	13.801	12.233	10.962	9.9148	9.0417	8.3045	7.6752	7.1327	6.6605	6.2463	4.9995	4.1666	3.9999	3.3333

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Sixth Semester, Mid-Semester Examinations (Even-Semester), March 2019

CORPORATE LAWS-II

Time: 1½ Hours

Maximum Marks: 20

Part-A (2 X 5 = 10 Marks)

Answer any TWO of the following problems:

1. Answer the following questions with respect to Independent Directors:

Starship Enterprise Ltd., a public listed company (A company registered under Companies Act, 2013) proposed to appoint 3 Independent Directors to the Board. They were,

- (a) Mr. Kirk wants to be a Independent Director of Starship Enterprise Ltd., but his brother Mr.Spock had a pecuniary relationship with Vulcan Ltd., the subsidiary company of Starship Enterprises Ltd. which amounted to 20 Lakhs in the previous year preceding the current financial year. Gross Turnover of the company is 900 Lakhs. Total Income is 1400 Lakhs.
- (b) Miss.Uhura on the other hand was the Promoter of Vulcan Ltd. and she opts to be appointed as Independent Director of Starship Enterprise Ltd.
- (c) Mr.Scotty is currently a Director of Starship Enterprise UK Ltd. (A company registered under UK Companies Act, 2006)

Can Mr. Kirk, Miss Uhura and Mr. Scotty be appointed as Independent Directors of Starship Enterprise Ltd.? Decide.

- (d) Pursuant to the appointment of the eligible Independent Directors, the Starship Enterprise Ltd. conformed with the requirements under Law i.e Companies Act, 2013. All the Independent Directors scheduled a separate meeting excluding non Independent Directors to discuss about the performance of the Board. The Non- Independent Directors questioned such an act of the Independent Directors. Can the Independent Directors hold such a meeting?

(e) Later, the Shareholders were unhappy with the actions of the Management of the Starship Enterprise and this resulted in a conflict of interest between the Management and shareholders. The Independent Directors acted as Arbitrators and resolved the issue. Can the Independent Directors take up such responsibilities?

2. Mr. Ronan, the Managing Director of Galaxy Guardians Co. Ltd along with his associates, according to the shareholders of the company, was involved in fraudulent transactions and has allegedly mismanaged the affairs of the company. Mr. Ronan was subsequently removed from his position. The Applicant group which holds 15% of the issued share capital of the company, approached the Tribunal. During the course of hearing before Tribunal, some of the Applicant group of shareholders holding about 6% of the issued share capital of the company have withdrawn their consent by stating they were misled by the group to sign the Application and after coming to know of the facts they have disassociated themselves from the Application. They along with the other majority shareholders submitted that the Application should be dismissed on the ground of non maintainability.

Arguments by the Applicants: The Applicants contended that even though the Mr. Ronan was ousted from his position and fraudulent nature of transaction is a thing of the past, the company is still controlled by the henchmen of Mr. Ronan. It was these henchmen who convinced the shareholders owning 6% of the issued share capital to withdraw the Application. However, the applicants contend that they still have locus standi and still would succeed as they have over 18% of a class of equity shares and the word "issued share capital" under Section 244 would only include that class being affected. Arguendo, the applicants also contends to invoke waiver as provided u/s 244.

Arguments by the Respondent: The alleged transactions did not amount to Oppression or Mismanagement. Therefore, there is no case before the Tribunal for it to interfere. The Respondent also claims, "issued share capital" in Section 244 (1) must be taken to include both equity and preference shares while determining whether the threshold of 10% holding has been satisfied. Based on this interpretation, since the Applicant Group held only 2.17% of the total issued share capital, it failed on the maintainability issue.

Decide.

3. Hobbit Ltd is Company registered in India under Companies Act, 2013 and listed in multiple stock exchanges. The Board has 12 Directors and has met thrice this Financial Year, the last meeting held on 20/11/2018. Mr. Bilbo,

a Director, summons a meeting of the board by way of his letter dated 20/03/2019 and the meeting was proposed to be held on 25/03/2019.

The following matters were to be dealt in that meeting:

- (i) the approval of the annual financial statements;
- (ii) the approval of the Board's report;
- (iii) declaration of interim dividend @ 10%;
- (iv) loan to Mr. Smaug to meet his son's wedding expense- Rs 1 Cr; and
- (iv) any other matter

Mr. Gollum is out of India and has in place appointed Mr. Elrond, an alternate Director. Mr. Dwalin, Gandalf, Thranduil have expressed their inability to be personally present at meeting and therefore opted for Video Conferencing Facility. Mr. Azog, who is also a Director on 24/03/2019 wishes to bring up a particular item for discussion regarding purchase of plant and machinery. Mr. Gloin is the Managing Director of the Company. Other Directors are Mr. Thorin, Sauron, Bard, Frodo, Smaug.

On 25/03/2019, Mr. Gloin, Mr. Azog, Mr. Elrond and Mr. Bilbo were present physically and Mr. Dwalin, Mr. Gandalf, Mr. Thranduil and Mr. Gollum were present through video conferencing. The Chair Person Mr. Sauron was not present in the meeting. Therefore the Directors decided that Mr. Bilbo will be the Chair Person and this was questioned by Mr. Gollum who dissented. After all the above agenda was decided, Mr. Azog expresses his intention of discussing the matter concerning purchase of new Plant and Machinery for Rs.50 Lakhs. The matter was taken up for discussion and all Directors took part in the discussion. While the matter was put to vote, Mr. Bilbo and Mr. Dwalin refrained from voting on account of being interested Directors in that transaction. The meeting concludes successfully.

Identify at least five anomalies/irregularities in this entire fact scenario with appropriate reasons and legal authority backing your argument.

Part-B (2 X 5 = 10 Marks)

Answer any TWO of the following questions:

4. Corporate Governance goes far beyond access to capital. Taking a narrow view of Corporate Governance as limited to public issue of capital and the processes that follow would be to the detriment of corporate entities themselves. It is also increasingly being recognized that the framework for regulation of corporate entities has to be in tune with the emerging economic scenario, encourage good

corporate governance and enable protection of the interests of the investors and other stakeholders. Discuss

5. "It is not the business of the court to manage the affairs of the company. That is for the shareholders and the Directors." Do you agree. Justify.
 6. Although Directors legally owe their duties to the company and are required to act in the best interests of the company, this effectively means that they are to consider the interests of the members as a whole. Indeed, common law has often recognized that the Directors of a company may have duties relating to non-shareholder constituencies in specific contexts. Critically Analyse.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Sixth Semester, Mid-Semester Examinations (Even-Semester), March 2019

LABOUR LAW-II

Time: 1½ Hours

Maximum Marks: 20

Instructions:

- *All the questions are compulsory.*
- *Kindly use relevant cases and statutory provisions in support of your answers.*
- *In case of any gap or omission in facts (provided for a question) that prevents you from forming a conclusive opinion, please state so in your answer.*

1. Recky has been working as an assembler of parts of Television in XYZ Television Company which manufactures and sells Televisions. The company has 100 employees. Recky gets monthly remuneration of Rs.20,000 per month which includes House Rent Allowance (HRA) of Rs.1000. Recky also gets profit based bonus as well as Diwali bonus every year. However, in the years 2016, 2017 and 2018 the company had incurred huge losses. Recky and his colleagues did not receive salary for May-August 2018 which has still not been paid to them. In the month of November and December 2018, Recky received Rs.10000 only as Salary. He and his colleagues also did not get any bonus for the past two years. This has caused a lot of hardship to the employees. When employees have requested the company to clear their dues, the manager of the manufacturing unit has asked them to be supportive during this financial turmoil and that once the company starts making profit it will clear the pending salaries of the employees. Also as regards Bonus, the company claims that as it is running in losses, it doesn't have any compulsion to pay any kind of bonus to its employees. Agitated by the non-payment of their hard earned money, Recky and his colleagues decide to take action against the Company.

In light of the above facts, briefly answer the following-

- a. *What are the legislations under which Recky can claim back his pending dues? Mention specifically about profit based bonus, Diwali bonus, deductions in Salary and HRA. (3 Marks)*

- b. *What would be the appropriate forum for Recky to approach? Can a civil court or an Industrial Court or Tribunal take up this particular case? If you were to decide the case who would you decide in favour of and why? (3 Marks)*
2. *What do you understand by the term Social Security? What is the difference between social assistance and social insurance? (4 Marks)*

[OR]

Prior to the introduction of the Payment of Bonus Act, 1965, the disputes related to bonus were subject to industrial adjudication on the basis of the full-bench formula. What were the difficulties faced in implementing the full bench formula? Can a person working in a factory with less than 10 workers claim bonus under Industrial Disputes Act? (4 Marks)

3. “Bonkers” is a comic merchandise shop that is established on two floors of a building in Versova, Mumbai. On the ground floor, the shop is staffed by ‘Comic Book Experts’ who are male employees whose work is to assist customers in choosing comic books according to their taste and preference and the selections offered by the shop. They are chosen after an online test that qualifies them for an interview, clearing which they are recruited.

On the first floor, they have a similar selection of comic books, but more seating is provided and the employees on the upper floor are exclusively female. They are called ‘Comic Book Girls’. They are engaged in assisting customers to choose comic books of their choice, if they are approached for this purpose. They have a special uniform that is different from the ‘Comic Book Experts’ and also perform dramatic readings of comic book scenarios for customers that they are able to choose from a menu. ‘Comic Book Girls’ are selected by interview from interested applicants.

In total, the shop employs around 25 workers.

Comic book experts are paid Rs. 7,000 per month, and the pay for Comic Book Girls is Rs. 6500 per month.

In addition to this, Comic Book Girls are entitled to 25% of the proceeds from the ‘dramatic readings’ that they individually are asked to perform, and are also free to accept tips from customers for this service.

Comic Book Experts are not allowed to receive anything from the customers. They are eligible to be considered for promotion to ‘Manager’ if they put in 5 years of work. Their retirement age is at 58.

Comic Book Girls retire at the age of 25. They can become 'floor supervisors' if they put in 4 years of work at the company but are not eligible to be promoted to the manager position.

The contract of employment of 'Comic Book Experts' states that they are eligible for gratuity at the rate of 26 days wages, subject to limit of Rs. 5 lakhs.

Since most 'Comic Book Girls' work for less than 2 years with 'Bonkers', the company felt no need to include such a scheme in the contract of employment for 'Comic Book Girls'.

- a. *If you are engaged as a 'Comic Book Girl' do you think you have the grounds to sue the company on the basis of the difference in working conditions and wages that are given to you, vis a vis the 'Comic Book Experts'? Why or Why not? Explain your answer with the help of case law. (3 Marks)*
 - b. *The present limit of gratuity under the Payment of Gratuity Act, 1972 is 20 lakhs. Can the 'Comic Book Experts' claim gratuity in excess of Rs.5 lakh, according to this provision? (2 Marks)*
 - c. *If a 'Comic Book Girl' works for more than 5 years at 'Bonkers' can she claim gratuity? (1 Mark)*
4. *Is 'capacity of the employer to pay' a relevant consideration in fixing Minimum Wages in a particular employment? Please support your answer with reasons. (4 Marks)*

[OR]

In the procedure for fixing Minimum Wages, what should be the composition of the advisory board? Is it necessary that the representatives be from the same industry for which the wage is being fixed? (4 Marks)

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Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year – Sixth Semester, Mid-Semester Examinations (Even-Semester), March 2019

PUBLIC INTERNATIONAL LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 1 = 5 Marks)

Answer ALL Questions. Each Question carries equal marks:

1. Bentham coined the word International Law in his book _____
2. *Jus cogens* means
 - (a) Peremptory norms of International law
 - (b) Laws of the same kind
 - (c) Norms from which no derogation is allowed
 - (d) Both (a) and (c)
3. Amongst the following which one is correct with respect to the formal sources of international law
 - (a) Custom, Treaties and Judicial Decisions
 - (b) Custom, General Principles of Law and Theory
 - (c) Treaties, Custom and General Principles of Law
 - (d) Treaties, Custom and General Assembly Resolutions
4. **Write True/False**
Recognition of State and Recognition of government is one and the same thing
5. **Select the correct one:**
What is the purpose of base lines in the United Nations Convention on the Law of the Sea, 1982?
 - (a) The determination of baselines is used for the measuring of the internal waters of coastal States
 - (b) The determination of baselines is instrumental to the establishment of all maritime zones, since they constitute the starting point for measuring the breadth of each zone

- (c) The determination of baselines is instrumental to the safe navigation of vessels on the high seas
- (d) Baselines are drawn only in cases of maritime delimitation between opposing State before an international court or tribunal.

Part – B (3 X 3 = 9 Marks)

Question No. 6 is compulsory, answer any TWO from questions 7 to 10 in not exceeding 400 words each.

- 6. Mr. A, a national of Brazil went on a trip to Germany where he assassinated Mr. B, a diplomat of New Zealand and Mrs. C, a national of USA. Thereafter, he managed to fly back to Brazil.
 - (i) Which state(s) have jurisdiction to try Mr. A? Also mention which state will have a better claim on the trial of the accused? (2 Marks)
 - (ii) Germany requests for extradition of Mr. A. in theory, what factors will determine if Mr. A will be extradited? (1 Mark)
- 7. What is the 'right of innocent passage'? When is the passage an innocent passage?
- 8. Analyse the status of individual by referring the Advisory Opinion of the International Court of Justice in International Law in *Reparation of Injury Suffered in the service of United States*, 1949.
- 9. (a) *Pacta terries nec nocent nec prosunt*
(b) Canon Shot Rule
- 10. Distinguish between Contiguous Zone and Exclusive Economic Zone.

Part – C (1 X 6 = 6 Marks)

Answer any ONE of the following questions in not exceeding 800 words.

- 11. Point out the difference in Monistic and Dualistic theory of relationship between international law and municipal law.
 - 12. State and mention the theories of Recognition of State in international law and critically evaluate which theories can be said to be more relevant in State practice?
-

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INTELLECTUAL PROPERTY LAW

Time: 1½ Hours

Maximum Marks: 20

**Part – A (2X 6= 12 Marks)
(Compulsory Question)**

Answer ALL the following questions:

1. Mr. Anand Chakraborty, an engineer by profession and also a die-hard fan of Marvel's '*Iron Man*' comics and films intends to create a working set of 'Iron Man Armour'. He along with his friend Ms. Priya Puri successfully created the armour suit and named it as "*Iron Man Suit*". The suit apparatus constructed from a strong material such as Titanium, Iridium, Iron, Chromium and Copper which is capable of protecting its wearer from projectiles such as bullets etc. Another advantage is that the suit wearer can perform extraordinary mechanical work such as pushing or lifting heavy objects. It also incorporates sensors, a computer, a camera and communication means to collect information about the surroundings and to process, use or communicate that information to others. Above all, the wearer of suit can fly for 10 consecutive minutes at a few thousand feet and could reach up to speeds of 200 mph. Both Anand and Priya publicly displayed their invention in an *International Exhibition* organised by the Government of India in association with 'Gen X', a society made up of persons seeking to promote science and knowledge. A short description of the invention was presented before the 'Gen X' members. At the end of the exhibition, the iron man suit was adjudged as '*Best Innovation of the Year 2018*' by a select panel of 'Gen X'.

Later, after six months, both Anand and Priya filed a patent application for the working set of 'Iron Man Armour' before the Indian Patent Office. Upon publication of the patent application, Mr. Bruce Banner, a U.S.A. citizen filed a pre-grant opposition on Anand & Priya's patent application on following grounds of anticipation, they are

- a. The claimed invention is anticipated by the 'Iron Man' comics and films. The functions of the armour suit are not 'new' and it is known to the public.

Further the 'Marvel Comics', a U.S.A. publishing company owns the copyright and trademark related to *Iron Man*. Therefore, the claimed invention is not patentable. He also compared the drawing of 'Iron Man Suit' claimed in the application with that of the one shown in comics and films. They are provided in Fig (a) and (b) hereunder.

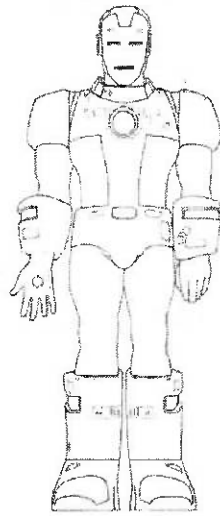


Fig (a)

[Drawing of the claimed Invention]



Fig (b)

[Iron Man in Marvel Comics & Films]

- b. The claimed invention is again anticipated by the public display in the International Exhibition. As the patent applicants themselves published the invention before the public, their invention is not patentable.

Both Anand and Priya denied the statement that their invention is anticipated and claimed it as a '*new invention*'. They stated that attempts were previously made to design ironman like suits but the need for a new, improved and integrated suit apparatus still exists. And they claimed that their invention is the first of its kind functional iron man suit in the real world which can fly as well as protect the wearer from bullets and short-range explosions. They allege that Mr. Bruce Banner also participated in the above mentioned International Exhibition with his invention and contested for the '*Best Innovation of the Year*' award but failed in the last round. Due to that rivalry, he presented this pre-grant opposition. Further, they added that the patent rights being territorial in nature, a foreigner has no right to file the pre-grant opposition before the Indian Patent Office. **Decide.**

2. Eagle Pharma (a branded German MNC) obtained both product patent and process patent on the drug named '*Rangooski*' for the treatment of malaria in Germany, India, U.S.A, Japan and Malaysia. Tiger Pharma (an Indian company) acquired a compulsory license over Eagle Pharma's patented drug '*Rangooski*' only in India till its lifetime on the ground of non-working of the patent. After a year from the date of issuance of the compulsory license, Tiger

Pharma discovered that Dragon Pharma (an Indian subsidiary of a Chinese MNC) is manufacturing the drug without a license in India. Tiger Pharma requested Eagle Pharma to stop the infringement by taking appropriate action against Dragon Pharma. Even after six months of such request, Eagle Pharma neglects to institute the infringement proceedings against Dragon Pharma. Following which, Tiger Pharma send a '*notice of patent infringement*' to Dragon Pharma on the following grounds,

- a. The infringed drug marketed in the name of '*Rangoon*' by Dragon Pharma is similar in construction and function to the patented drug '*Rangooski*';
- b. Infringer (Dragon Pharma) made minor changes in the invention or process;
- c. Infringer substituted an ingredient known to be equivalent to that used in the patented invention.

And thereby warned Dragon Pharma to stop the infringement of '*Rangooski*' patent with immediate effect and threaten it with the proceedings related to the patent infringement suit. Against which, Dragon Pharma send a reply notice which stated the following,

- a. Tiger Pharma has no *locus standi* to file an infringement suit with respect to the patented drug '*Rangooski*';
- b. The patented claim is not literally infringed;
- c. The equivalent is known in public domain, hence no infringement.

Upon receiving the above-said reply notice, Tiger Pharma seeks your legal opinion in this regard. **Advice.**

Part – B (2 X 4 = 8 Marks)

Answer any TWO of the following in not less than 400 words:

3. Critically analyse the "National IPR Policy, 2016" and comment on its impact on Indian IP ecosystem.
4. Whether all forms of Intellectual Property Rights are Human Rights? Does the right to private property provide adequate protection to interests in intellectual creations? Critically analyse the nature of right granted to intellectual creations in the Indian legal system.
5. What is a Trade Secret? Whether all confidential information is a trade secret? Critically analyse the protection available for the trade secret and confidential information in India.
6. Write *short notes* on the following
 - a. Springboard Injunction (2 Marks)
 - b. Schumpeterian Theory (2 Marks)

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LAW OF EVIDENCE

Time: 1½ Hours

Maximum Marks: 20

Part – A (1 X 6 = 6 Marks)

Answer any ONE of the following questions:

1. *Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.* Elucidate with the help of appropriate **Principle(s)**, **Section(s)** and relevant **Case Law(s)** if any. Illustrate.
2. Define ‘Admission’? Distinguish between ‘Admission’ and ‘Confession’ with the help of appropriate **Principle(s)**, **Section(s)** and relevant **Case Law(s)** if any.

Part – B (2 X 7 = 14 Marks)

Answer any TWO of the following questions:

3. ‘A’ is accused of murdering ‘B’ by beating her. At the time of beating, ‘C’, a bystander was heard saying, ‘Oh A! Please beat her no more. Don’t you see that she is dying?’

During trial, ‘C’ was not available to give evidence but prosecution produced ‘D’, another bystander who heard ‘C’ say so. Can the prosecution be allowed to prove ‘C’s statement through the evidence of ‘D’?

4. Raja is accused of murdering Deva. They were having property disputes for years. On 29.11.2018 around 1:30 AM while returning from Cloud 9 Bar & Restaurant, Raja had heated arguments with Deva near the Polo Ground. In the midst of arguments, Raja thrashed Deva with a Steel Rod on the forehead which resulted in his immediate death. Thereafter, Deva hid the Steel Rod in the culvert near the Village Temple. Subsequently, Deva was arrested by the Police at dawn.

During interrogation in the Police Custody, Raja confessed his guilt and explained about the incident before the Police Inspector. Raja stated "I have killed Deva by thrashing him with a Steel Rod on the forehead. I have hidden the Steel Rod in the culvert near the Village Temple. I can show you the place". Based on his information, the Police Inspector discovered the aforementioned 'knife', on which Deva's blood and Raja's fingerprints were detected upon examination.

Is the 'whole statement' given by the accused admissible under the Indian Evidence Act, 1872? If not, which 'part(s)' is/are admissible? Elucidate with the help of appropriate **Principle(s)**, **Section(s)** and relevant **Case Law(s)** if any.

5. Mahesh is alleged to have killed Suresh on 18.01.2019. On 22.06.2018, Mahesh shared with Shweta that he as well as Suresh are in love with Namita, who is working with them at their Office. On 18.01.2019, Mahesh had small arguments with Suresh after drinking alcohol at the Office Party. Later that night, Mahesh requested Suresh to forget about their frivolous arguments and offered to drive Suresh to his flat. While driving through the Southern Avenue, Mahesh's vehicle skidded and rammed to a Government Bus. Mahesh had light injuries whereas Suresh was severely injured. The local people took them to a nearby Government Hospital. At the Government Hospital, Suresh cried out in excruciating pain in front of the Doctors, nurses and few locals, "Mahesh, wanted to kill me. He wanted to be with Namita. I love Namita. Mahesh caused the accident purposefully". After an hour, Suresh succumbed to his fatal injuries at the Hospital.

Discuss the admissibility of Mahesh's statement under the Indian Evidence Act, 1872. Elucidate with the help of appropriate **Principle(s)**, **Section(s)** and relevant **Case Law(s)** if any.

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Fourth Year - Eighth Semester, Mid-Semester Examinations (Even-Semester), March 2019

ENVIRONMENTAL LAW

Time: 1½ Hours

Maximum Marks: 20

Answer the following questions:

1. Discuss the challenges and difficulties in implementing the United Nations Conference on Environment and Development in the recent years with special reference to the principle of Sustainable Development? (5 Marks)
 2. Whether the Indian Companies are liable to share the revenues as foreign entities when commercially exploiting natural resources that communities conserve in India. Discuss briefly by referring to the provisions contained in the Biological Diversity Act, 2002 and *Divya Pharmacy V. Union of India* (December, 2018). (6 Marks)
 3. Answer any THREE of the following in 100 words: (3 X 3 = 9 Marks)
 - a. Environmental Pollution
 - b. Causes and effects of Air Pollution
 - c. Constitutional obligations and Environment protection
 - d. Role of NGOs in conserving Biodiversity
 - e. Environmental Ethics
-

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Fourth Year - Eighth Semester, Mid-Semester Examinations (Even-Semester), March 2019

COMPETITION LAW

Time: 1½ Hours

Maximum Marks: 20

Instructions:

- a. The entire question paper is compulsory.
- b. Answer all the questions with relevant and cogent answers only by quoting relevant legislative provisions and at least two relevant judicial precedents and suitable illustrations. The problem based questions should be preferably answered in the *IRAC Method*.

Answer ALL the Questions:

- 1 Critically analyse the following cases by comparing the relevant provisions of the *Competition Act, 2002* and the *Monopolies and Restrictive Trade Practices (MRTP) Act, 1969*:
 - 1.1 A mutual understanding has been reached among some members of the *Tamil Nadu Cinematic Association*, a registered Trade Union, to not to cooperate with any television channels within the State of Tamil Nadu which telecasts dubbed movies from other languages. However, this understanding to control the telecast of dubbed movies is not in writing and is never intended to be enforced by legal proceedings. Explain whether the above understanding can be considered as an 'agreement' and whether *Competition Commission of India (CCI)* can have jurisdiction over the activities of the Trade Union? (6 Marks)
 - 1.2 Whether statutory professional regulators like the *Institute of Company Secretaries of India (ICSI)* and the *Dental Council of India (DCI)* can be considered as an 'enterprise'? In addition to the Indian case laws, substantiate your answer by explaining how the term 'undertaking' has been interpreted by the foreign competition authorities. (6 Marks)

- 2 'Beepa' had engaged professional legal services of 'Beepika', an advocate from the Tiruchirappalli District Court. 'Beepa' later alleged professional negligence and incompetency on the part of 'Beepika' and filed a consumer complaint against her at the *District Consumer Forum*. The Forum directed the advocate to pay 'Beepa' a sum of Rs. 9,999/- as compensation for mental agony and harassment.

'Beepika' challenged this order in the *State Consumer Disputes Redressal Commission*, which overruled the District Forum's order on the ground that 'Beepa' is not a consumer and a complaint against a practising advocate is not maintainable before the Consumer Forum, in view of Section 2(1)(o) of the *Consumer Protection Act, 1986*.

In 'Beepa's' appeal against this order before the *National Commission*, it was held that the reasoning given by the State Commission was outdated and erroneous. The National Commission further stated that Section 2(1)(o) of the *Consumer Act* was wide enough to cover the services rendered by professionals like professors, lawyers, doctors etc.

This verdict from the National Commission is now challenged by 'Beepika' as well as by the *Bar Council of India (BCI)* before the Hon'ble Supreme Court of India. BCI contends that the decision of the National Commission would amount to encroachment of BCI and other State Bar Councils authority to deal with complaints against advocates under the *Advocates Act, 1961* and as such, Consumer Forums have no jurisdiction over advocates. Decide. **(6 Marks)**

3. Why do competitors tend to open their stores next to one another? Answer this question with the help of *Hotelling's Law* by quoting at least one relevant example. **(2 Marks)**
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Fourth Year - Eighth Semester, Mid-Semester Examinations (Even-Semester), March 2019

COMPARATIVE CONSTITUTIONAL LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A (1 X 10 = 10 Marks)

Answer the following questions:

1. It is argued by many scholars that we are on the path of convergence of the legal systems of the world that there is a global dimension of constitutional law. In such a scenario, what does the scholarship of comparative constitutional law offer to students of law/ researchers/ scholars/ judges/ law makers to equip to meet this project? Does the essence and methods of comparative constitutional law help?

[OR]

‘Germany and US are comparable in so many ways; both are occidental, post industrial, secular, and declaredly committed to liberty and justice. But they have embraced two radically different positions on abortions.’ So says Donald P. Kommers. Through the judicial decisions referred by Kommers, give insights into the constitutional decision making indicating the value both democracies place on judicial review and rights.

Part – B (1 X 10 = 10 Marks)

2. Write notes on the following:

- a) Jeremy Waldron’s criticisms about negative constitutionalism. (5 Marks)
- b) Development of an adjudicative culture in transformative constitutionalism.

(5 Marks)

[OR]

Constitutionalism is the idea, often associated with political theories, which has a foundation that government can and should be legally limited in its powers, and that its authority or legitimacy depends on its observing these limitations. Reflect the statement in the text and working of the Indian Constitution.

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Fourth Year - Eighth Semester, Mid-Semester Examinations (Even-Semester), March 2019

CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY

Time: 1½ Hours

Maximum Marks: 20

Part – A (2 X 10 = 20 Marks)

Answer the following questions. Both the answers must be in descriptive:

1. Discuss the Biological School of Criminology and make a comparison between the traditional Biological theories with the contemporary Biological theories.
2. Critically examine the various theories under Sociological school and discuss the relevancy of those theories in modern society.

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Fourth Year - Eighth Semester, Mid-Semester Examinations (Even-Semester), March 2019

CYBER LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A (3 X 1 = 3 Marks)

Answer ALL the following questions. State whether the following statements are true or false with reasons:

1. Mail Box rule states that sending of message through mail is instantaneous in Nature.
2. Public key and Private key together denote a key pair and key pair is essential for creation of digital signatures, bit coins and E- commerce.
3. ICANN has the authority to govern Cyber Space and is the only central international authority responsible for Governing Cyber space.

Part – B (3 X 4 = 12 Marks)

Answer ALL the following questions. Write relevant case laws and legal provisions where ever necessary:

4. Define E-Contract and analyse why Click Wrap contracts is universally accepted as a valid contract and other two contracts are not universally accepted as a valid form of contract.
5. Compare the provisions of European Union General Data Protection Regulation and Personal Data Protection Bill, 2018 relating to Data Protection.
6. State whether Right to Freedom of speech and expression is a constitutional right or a Human Right and analyse why there is a difference in establishing the right in cyber space?

Part – C (1 X 5 = 5 Marks)

7. **Answer the following question. Write relevant case laws and legal provisions where ever necessary:**

Ronny Wahn was a student studying 11th standard in TRPCM Matriculation Higher Secondary School located in Hayat District in the State of Arunachal

Pradesh. Ronny Wahn was an excellent video game player. Though he was good at studies his academic performance was very poor. He was teased in Facebook and other online groups by his Friends and Class mates. In turn Ronny would Challenge them to Play Pug Gand will best them in the game. On 12-01- 2018 Mr. Sudhakar, class tutor of 11thStandard, working in TRPCM School called Ronny's parents and warned them that if Ronny fails in the review Tests he will be expelled from the School. Ronny's Parents in anger burnt all the video games and X box which was in Ronny's room. Ronny was very much agitated and he threatened his parents that he will commit suicide if they do not buy him new Sony Play Station. But Ronny's parents did not take his words seriously.

On 21-03-2018 Ronny took his Father's Mobile phone to School. According to the School Rules If any Student is Found Using Mobile Phone in the School Premises / Class Room then the student will be immediately expelled from School. Mr.Ramanah Varman, Principal of TRPCM and Ms.Madhivadhani, Vice Principal of TRPCM noticed that Ronny was Using Mobile Phone in the Classroom and was distracting other students. They confiscated Ronny's Phone and called his parents to report immediately and expelled Ronny from School.

On 22-03-2018 Ronny was live on Facebook and attempted to commit suicide by hanging himself. In his declaration he stated the he was subjected to severe mental stress and trauma by the comments posted by his friends in the online chat groups. He also stated that his School teachers and His parents also forced him to take this last step of committing suicide. But luckily he was saved by his brother. But this video went Viral online and was rated No.1 in the Google Search list.

After undergoing treatment for a year Ronny re-joins the School. While he was surfing for materials for his Assignments he found out that his suicidal Video was not deleted. Hence he wrote a Mail to face book and Google to delete the Video based on the Right to be forgotten. Answer the following questions in the light of the above mentioned facts.

- (a) What is cyber bullying? Do you think that Rony was subjected to Cyber Bullying? What are the remedies available under the Indian law for cyber bullying?
- (b) What is right to be forgotten? Is it a Human right or a Fundamental right? Discuss the plausibility of establishing Right to Be forgotten in EU and India.

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Fifth Year - Tenth Semester, Mid-Semester Examinations (Even-Semester), March 2019

HEALTH CARE LAWS

Time: 1½ Hours

Maximum Marks: 20

Part – A (2 X 6 = 12 Marks)

Answer any TWO of the following questions:

1. Recounting the discussion on the Clinical Trials conducted in India; explain the importance of “Ethics Committee” in conducting the clinical trial or a biomedical research.

2. In the very famous case of **IMA v. V.P. Shantha & Ors, 1996**, SC says:

“...The definition of ‘service’ in Section 2(1) (o) of the Act can be split up into three parts - the main part, the inclusionary part and the exclusionary part. The main part is explanatory in nature and defines service to mean service of any description which is made available to the potential users. The inclusionary part expressly includes the provision of facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging or both housing construction, entertainment, amusement or the purveying of news or other information. The exclusionary part excludes rendering of any service free of charge or under a contract of personal service...”

What is the significance of this judgment with respect to the remedy for medical negligence under the Consumer Protection Act, 1986?

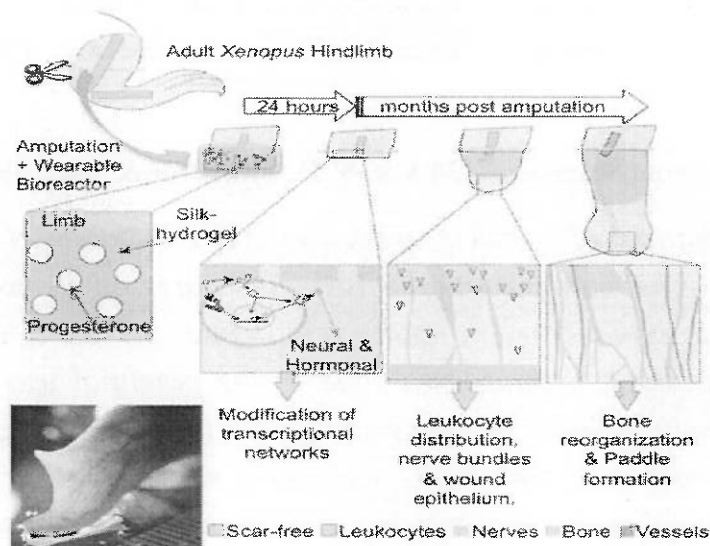
3. Pan American Health Organization (PAHO) which conducted an extensive study on the Right to health says that: *“...the phrase ‘right to health’ may be incomplete and conceptually misleading. We suggest that a more correct phraseology would be a right to health protection, including two components, a right to health care and right to healthy conditions....”*

In respect to this statement, explain how international law approaches the right to health care using the various international documents and WHO.

Part – B (1 X 8 = 8 Marks)

Answer any ONE of the following questions:

4. Mr. Gopalakrishnan, aged 49 years, is a scientist working in Pinnacle Biomedical Research Institute in Bhopal, Madhya Pradesh. He started working with the institute as a junior research associate right after his Ph.D. in Biochemistry. Being very studious right from his childhood, he has been fascinated with the various super heroes like Spider Man, Super Man, Batman, Ant man etc. He always believed that science has incredible powers to make humans super powerful. Once he was researching upon the hormone - Progesterone, which is produced directly in the brain, as well as other tissues. This hormone helps in brain injuries and in fetal development by protecting cells and tissues by re-growing the injured tissues. Keeping this assumption in mind he started the preliminary research without the knowledge of his institute, upon the amphibians with regard to the power to re-grow tissues in fully grown adults. His research proceeded progressively and appeared positive in amphibians. He recorded it as in below picture-



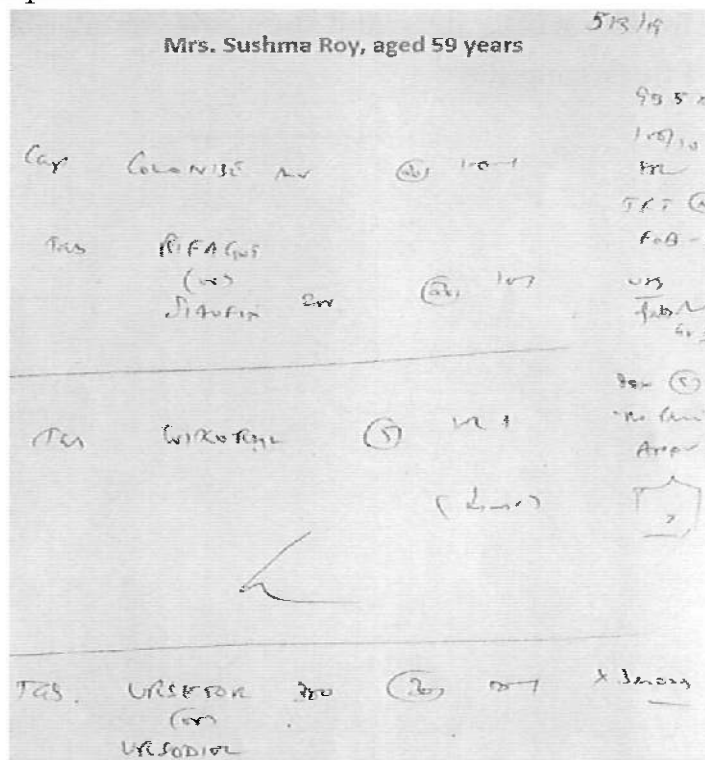
After the first trial he decided to proceed for the experimentation in humans. Therefore, he decided to self-experiment. For his experiment, he cut his left ring finger and inserted a small box (bioreactor) containing a progesterone - loaded gel that was sewn over the wound immediately after amputation. The fingers started to re-grow a bit. But he had forgotten the fact that he had diabetics. This led to excessive blood loss for himself and also slow progression in the re-growing process. Hence, the process which usually takes place within 24 hours and can go up to 9 months to complete in amphibians started very gradually for him. Since the progression was very slow, he decided to test the same in his toddler son, who was 2 years old as children very easily recover from injuries. Coincidentally, his son cut his little toe while he was playing. Instead of taking the toddler to the hospital, he convinced his wife to allow

performing his miraculous medication of progesterone. The wound showed sufficient progression in re-growing like 50% but the process was slow. Hence, the child developed severe fever within 3 months and his health was worsening. Fearing for the condition for his life, his wife took the child to the nearby hospital. Hospital authorities immediately performed all the first aid and gave the child emergency treatment and saved the child from severe condition. However, the hospital authorities were shocked and angry that the parents were so negligent.

Keeping the above facts in mind, discuss the ethical and legal implications of the experimentation conducted by Mr. Gopalakrishnan.

[OR]

- Mrs. Sushma Roy, aged 59 years, has been suffering from intermittent pain in the left chest and left arm for past 2 weeks. She thought this was because she has been recently doing lot of cleaning at home as local temple festival was nearing. But after 1 week, the pain increased and was unbearable and it was accompanied with diarrhea. Hence, she decided to consult a physician. In the hospital, the doctor diagnosed and prescribed for few tests like Colonoscopy, Ultrasound of lower abdomen, blood tests and ECG. He then prescribed few temporary medications with very lite foods and asked her to come back with the test results within 5 days. Mrs. Sushma Roy did everything as instructed by the doctor and went back with the test results. After looking into the test results, the doctor gives prognosis that Mrs. Sushma Roy has Fatty liver Grade-3 which is result of high cholesterol and overweight. Therefore, the doctor prescribes the following prescription-



Mrs. Sushma Roy's son took this prescription to the nearby Pharmacy associated with the Hospital. The Pharmacy was bit crowded and he was getting the medicines in a hurry. Hence, he didn't look unto the medicines which were given to him in a brown colored pack with directions to intake after or before meal. Mrs. Sushma Roy started her medication from the same day as per instructed. Right after taking the medications, she found that she was having sudden fever with darkened urine. This side effect was quite unexpected. She waited for another two days to see if the symptoms might subdue, however, it did not. Therefore, Mrs. Sushma Roy again went to check with the same doctor along with all her prescription and medicines. While going through the medicines, the doctor found that instead of the medicine --'Rifagut' she has been taking a medicine- 'Rifampin'. 'Rifagut' is an effective medicine used to treat bacterial infections of the intestine. It is used for the treatment of traveler's diarrhea, irritable bowel syndrome with diarrhea caused due to certain specific strains of bacteria. However the medicine- 'Rifampin' is an antibiotic that fights bacteria and prevents it from spreading in the body & is used to treat or prevent tuberculosis (TB). Therefore, the total three days of taking these wrong medications has caused her fever and darkened urine and led to her another visit to the same hospital. The Doctor was relieved that Mrs. Sushma Roy came as soon as she deducted the side effects otherwise, the situation would have been complicated and life threatening considering she has fatty liver grade-3. A total of Rs.50,455/- was her total expenditure including the medications, consultations, continuous doctor visits, the various tests, travel and mental pain and sufferings.

Keeping the above facts in mind, determine the liability for medical negligence for the wrong doer and the remedies available to Mrs. Sushma Roy against the wrong doer.

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

Fifth Year - Tenth Semester, Mid-Semester Examinations (Even-Semester), March 2019

HUMAN RIGHTS LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A (3 X 4 = 12 Marks)

Answer any THREE of the following questions in not more than 300 words:

1. Doctrine of Margin of appreciation
2. Subordination of the Ruler to Dharma
3. Function of the ICCPR Committee
4. UDHR as Customary International Law
5. Nature of State Party obligation under ICESCR

Part – B (1 X 8 = 8 Marks)

Answer any ONE of the following essay question in not more than 600 words:

6. Trace the historical development of Human Rights in the post-World War II decades. How has the political environment during these years contributed towards the bifurcation of International Human Rights into Civil and Political Rights and Socio-Economic Rights?
7. Explain the different Charter based mechanisms for implementation of Human Rights. In your opinion, how effective is it in supervision and enforcement of Human Rights in the International realm?

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year - Tenth Semester, Mid-Semester Examinations (Even-Semester), March 2019

INTERNATIONAL AIR AND SPACE LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions:

1. With reference to the Bogota Declaration of 1976 comment on the relevance of demarcation of airspace from outer space. [5 Marks]
2. Define Hague Notice. How does it affect the liabilities of a carrier? Does *consent of carriage* exonerate a carrier from its liabilities under the Warsaw Convention? Explain through decided cases. [5 Marks]
3. Despite the comprehensive regime on civil aviation laid down by the Chicago Convention of 1944 it has proved inadequate for scenarios involving overlapping functions of civil and state aircrafts. Do you agree with this statement? Justify. [5 Marks]
4. What do you understand by the Open Skies Agreement? In the light of your answer comment on the deregulation of aviation sector in India. [5 Marks]
5. Can a carrier be held liable for *wilful misconduct* of its agent? Explain. [5 Marks]
6. **Write short notes on the following: [2 X 2½ = 5 Marks]**
 - a. Bilateralism vs. Multilateralism
 - b. The shift in legal regime on aviation from Warsaw to Montreal

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

Fifth Year - Tenth Semester, Mid-Semester Examinations (Even-Semester), March 2019

INTERNATIONAL REFUGEE LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions:

1. Briefly discuss the background in which the UN Refugee convention, 1951 was passed. What are the major principles enshrined in this Convention for the protection of the refugees? What are the five grounds of persecution outlined in the 1951 Convention? Do you think that 1951 Convention has lived up to the expectation of the international community?
2. Although India has hosted hundreds and thousands of Refugees from the neighbouring states in the last seventy years, India has not become a party to the 1951 Refugee Convention. Why do you think that India is not a party to the 1951 Convention? Do you think that not being a signatory to the 1951 Refugee Convention has provided India with the leverage of picking and choosing refugees from neighbouring states?
3. Briefly write a short note on the concept of asylum in International Law? How do you think the notion of 'right of asylum' has evolved from the ancient times when it was recognised more as a religious right by the Egyptians, Greeks, and Hebrews? Do you think that political asylum is the only dominant notion of asylum existing in today's world? What are the major international legal instruments discussing about the concept of asylum?
4. Do you think Julian Assange has abused the international legal framework established by the international community for the protection of diplomats? Has it also threatened the notion of asylum as has been granted by sovereign states since the effectuation of the Vienna Convention, 1961. Do you think the government of Ecuador is appropriate in its stand of granting asylum to Julian Assange at its Embassy in London?

5. Briefly discuss how the OAU Convention, 1969 is an advanced refugee instrument than the 1951 Convention. What were the legal innovations made in this African instrument that distinguished it from the 1951 Convention?
 6. Briefly write a short note on the Cartagena Declaration on Refugees, 1984 explaining how this non-binding instrument played a phenomenal role in refugee protection in the Latin American region. What were the additions made to the definition of refugees in this Declaration that made it one of the most potent instruments of refugee protection in this world?
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B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year - Tenth Semester, Mid-Semester Examinations (Even-Semester), March 2019

BIOTECHNOLOGY, GMOS AND THE LAW

Time: 1½ Hours

Maximum Marks: 20

Answer the following questions:

1. Are India and other member States of the WTO able to develop and maintain a regulatory system for GMOs which allows for the use of precautionary approach to protect the human health and the environment in the absence of insufficient scientific evidence? Discuss in the light of *EC –Measures affecting the Approval and Marketing of Biotech Products (EC Biotech Case)*(6 Marks) (150 words)
2. The direct and indirect impacts of genetically engineered techniques on biodiversity are immense and of very great relevance to people in developing countries like India who rely directly on biodiversity for their sustenance. Examine the role played by NGOs in conserving biodiversity against the application of GM technologies.(5 Marks)(150 words)
3. Answer any **THREE** of the following in **100 words**: (3 X 3 = 9 Marks)
 - (a) Three Generations of Genetically Modified Technology
 - (b) Growth statistics of GM Crops in developing countries
 - (c) Basic Principles of World Trade Organisation
 - (d) Codex Alimentarius Commission
 - (e) Biosafety Clearing House

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

Fifth Year - Tenth Semester, Mid-Semester Examinations (Even-Semester), March 2019

REGULATION OF THE PROFESSIONAL SPORTS IN INDIA

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 5 = 20 Marks)

Answer ALL the following questions:

1. Write a short note:

- a) Sport Governance and Indian Constitution. (2½ Marks)
- b) Test for determination of Contract of Service and Contract for service in Sports Contract. (2½ Marks)

2. Sports Law is a collection of laws which govern the sports industry / activities. It basically regulates the sports activities with the application of other subjects of law, like contract law, law of Torts, Competition law, business laws, Intellectual Property etc. There is debate whether it should be considered as an independent subject of law or just mere collection of laws which governs the sports activities.

In the light of the above statement critically analyse whether the Sports Law represents the independent corpus of law and laws which will fall under the rubrics of Sports Law.

3. Write an essay on the governance of Sports. How the sports activities are governed in India and International level? Whether the judicial review can be exercised against Sports governing organisations?
4. Cricket is a very popular game in the Country of Nadia and many people equate it as a religion in the Country. Board of Cricket Control of Nadia (BCCN) is the sole governing of body of cricket in Nadia and recognised by International Cricket Council. On 13 September 2007, the BCCN announced the launch of a franchise-based Twenty20 cricket competition called Nadian Premier League (NPL) whose first season was slated to start in April 2008, in a "high-profile ceremony".

In 2013, during the season of NPL, many players and person associated with the premier league were arrested by the police on allegation of match-fixing and spot-fixing. Shree Sharma who is a famous cricket player was also arrested by the police.

BCCN set up a disciplinary committee to take action against the players and persons involved in it. The disciplinary committee finds Shree Sharma guilty of under BCCN's Anti-Corruption Code. The BCCN imposed a life ban on Shree Sharma from participating in any cricket match.

The owner of the Cricket team of Mr.Sharma also terminated the contract with Mr. Sharma citing the reason that his activities have damaged the image of the Team.

In the trail by the session court of Nadia, the Court found that there is insufficient evidence against Mr Sharma's in involvement in the fixing of the matches and acquitted him from all the charges. The BCCN made the appeal against the order which is pending in the appellate court.

Mr. Sharma made an appeal against the decision of the BCCN of Life ban and challenged the Termination of Contract.

Based on facts mentioned above respond to the following question:

- (i) What are remedies available to Mr.Sharma against the decision of BCCN?
 - (ii) Do you think the decision of BCCN is justified? Give reasons of your answer?
 - (iii) Do you think Termination of Contract is justified? Give reasons for your answer?
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B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year - Tenth Semester, Mid-Semester Examinations (Even-Semester), March 2019

INTERNATIONAL CRIMINAL LAW

Time: 1½ Hours

Maximum Marks: 20

Part-A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions:

1. Do you think that the London Charter that established the International Military Tribunal was the first truly international legal instrument in International Criminal Law? How much do you think the international community was invested in shaping the Tribunal? Can you call it a truly international tribunal? What legitimate criticisms are made against the Nuremberg War Crimes Tribunal?
2. What was the legal basis for constitution of the International Military Tribunal for the Far East (IMTFE)? Do you think that the involvement of judges and prosecutors from eleven countries provided the Tokyo War Crimes Tribunal more legitimacy than its counterpart in the West? Briefly explain the concept of *victor's justice* as enunciated by Justice Radhabinod Pal in Tokyo War Crimes Tribunal.
3. What was the legal basis for the constitution of International Criminal Tribunal for the former Yugoslavia? Do you think that the UN Security Council has the mandate to constitute an international criminal adjudicatory body under Chapter VII of the UN Charter?
4. Having failed with the peacekeeping operation in Rwanda, do you think that UN Security Council was right in its approach of constituting an international military tribunal for Rwanda on the lines of the ICTY? Why do you think the delegate of Rwanda in the Security Council who had pleaded for the constitution of an International Criminal Tribunal for his country was the sole delegate in the end who voted against the motion when the proposal for the same was forwarded in the Security Council?

5. How do you think the International Criminal Court has furthered the objective of dispensing international criminal justice in a globalized world? Do you agree that the Rome Statute is a significant step forward in the history of international criminal justice? What specific inclusions did the Indian delegate lobbied for at the Rome Conference?

 6. Do you think that the courts and tribunals constituted in the last seventy years to dispense international criminal justice have played a critical role in the evolution of jurisprudence in this subject area? Do you think that the second generation of criminal adjudicatory have played a critical role in developing the notions of various international crimes?
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B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year - Tenth Semester / Fourth Year - Eighth Semester,
Mid-Semester Examinations (Even-Semester), March 2019

INTERNATIONAL COMMERCIAL ARBITRATION

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 1 = 5 Marks)
[Objective Type Questions]

Answer ALL the following questions:

1. In addition to National Courts, a dispute relating to grant of patent can be resolved by way of institutional arbitration only. (True or False?)
2. The doctrine of Competence-Competence has two facets, namely;
 - (a) Positive and Negative Competence-Competence
 - (b) Left and Right Competence-Competence
 - (c) Municipal and International Competence-Competence
 - (d) Local and International Competence-Competence
3. Arbitration Clause is applicable on –
 - (a) Existing Disputes
 - (b) Future Disputes.
 - (c) Both, Existing and Future disputes.
 - (d) As specified in the Main Contract.
4. Following requirement(s) is implied in Arbitration Agreements, unless expressed otherwise-
 - (a) Confidentiality
 - (b) Privacy
 - (c) Confidentiality and Privacy
 - (d) Non- interference by judicial authorities of the seat
5. The 'international' nature of arbitration is dependent on:
 - (a) The places of business of parties
 - (b) Subject-matter of the dispute
 - (c) Permanent court of Arbitration making observation in this regard
 - (d) Only A and B

Part – B (3 X 3 = 9 Marks)
[Short answer type questions]

Answer any THREE of the following questions. Limit your answers in 300 words:

6. Write three major achievements of the '*New York Convention on Recognition and Enforcement of Foreign Arbitral Award, 1958.*'
7. Give three major points of dispute with respect to the understanding of the term 'commercial' in International Commercial Arbitration.
8. Write three important points of differentiation between arbitration clause and submission agreement.
9. Write a short note on *Lex Mercatoria*.
10. Discuss the benefits of resolving a dispute by way of International Commercial Arbitration over National Courts.

Part – C (1 X 6 = 6 Marks)
[Long answer type questions]

Answer any ONE of the following questions. Limit your answer in 600 words:

11. Explain how does an Arbitrator settles the problem of conflict of laws? Also, mention when does such a situation(s) arise?
 12. Discuss how the concept of separability and competence-competence are related. Also, point out the grounds on which both the principles have been criticized by various authors?
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B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year - Tenth Semester / Fourth Year - Eighth Semester,
Mid-Semester Examinations (Even-Semester), March 2019

CORPORATE FINANCE LAW

(Law relating to primary market of issue of corporate securities and foreign direct investment)

Time: 1½ Hours

Maximum Marks: 20

Instructions:

This is a closed book examination. Only the Corporate Laws and SEBI Manuals, without any printed notes or case laws added by publisher, may be carried to the examination hall.

Answer ALL the following questions:

1. Critically comment on binding nature and scope of letter of intent and lock out agreements.
(6 Marks)
2. Write an essay on confidentiality requirement in investment negotiations.
(6 Marks)
3. A group of 10 persons have approached you to be the legal advisor for their new hospitality venture. This venture is slated to have multi cuisine organic produce based restaurants and lodging hotels. The total initial capital required to commence the business is about 100 Crores. You are required to prepare a term sheet for the purpose of private equity finance for the venture. These 10 persons may have about 30% of the stake in the venture. For remainder of capital external funding is to be arranged. Please draft a term sheet.
(8 Marks)