



TAMILNADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS

LL.M

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**END SEMESTER (ODD-SEMESTER)
EXAMINATIONS, NOVEMBER-2024**

Name :

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Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
End Semester (Odd-Semester) Examinations, November 2024

COMPARATIVE PUBLIC LAW

Time: 2 ½ Hours

Maximum Marks: 50

PART - A (5 x 8 = 40 Marks)

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

1. The progressive internationalization of constitutional law appears to be an attempt to adopt universal solutions to some of the common problems we face today. This has seen the increasing willingness of legislatures and judiciaries to look beyond national boundaries for solutions to domestic legal problems. Comment.
2. "The principle of the separation of powers subdivided the ... authority itself into three branches—the executive, the legislative, and the judiciary—so that "each may be a check on the other ." Critically evaluate the above statement.
3. How does the basic structure doctrine, as established in *Kesavavanda Bharati v. State of Kerala*, inform the theoretical framework for judicial review in constitutional courts?
4. What are the implications of the internationalization of constitutional law for national sovereignty, and how do these changes influence the relationship between domestic legal frameworks and international human rights standards?
5. Discuss the implications of the horizontal application of the Bill of Rights in both India and USA, focusing on the legal frameworks, key court decisions, and the evolving jurisprudence surrounding private actors' responsibilities. How do these developments reflect broader societal changes and challenges in enforcing fundamental rights?
6. To what extent do the philosophical underpinnings of constitutionalism, as articulated by theorists such as John Locke and Montesquieu, inform contemporary debates on the legitimacy and effectiveness of constitutional frameworks in safeguarding democratic governance"?

7. What are the implications of unamendable constitutional provisions on democratic governance, legal stability and social change, and how do different jurisdictions justify their existence?

1. PART - B (2 x 5 = 10 Marks)

2.

Answer any TWO of the following questions in not exceeding 400 words each.

8. How does the International Bill of Rights norms influence contemporary interpretations of individual liberties and government powers within the framework of Indian Constitutional Law?
9. How do the structures and functions of the separation of powers in the United Kingdom and the United States differ, particularly in terms of legislative executive relationship?
10. How do the principles and practice of global administrative law shape accountability mechanisms within diverse governance systems, and what implications do these have for the legitimacy and effectiveness of global governance?
11. How does cooperative federalism in India facilitate collaboration between the central and state governments in addressing socio-economic challenges, and what are the implications of this relationship for governance and policy implication?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes

End Semester (Odd-Semester) Examinations, November 2024

LAW AND JUSTICE IN A GLOBALIZING WORLD

Time: 2 ½ Hours

Maximum Marks: 50

PART - A (5 x 8 = 40 Marks)

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

1. *"A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust."* – Critically comment on the statement through Rawls theory of Justice.
2. In what ways do globalization and transnationalism challenge traditional notions of sovereignty and jurisdiction – Evaluate.
3. How do international treaties influence domestic legal systems, and what challenges do states face in aligning their laws with these global standards?
4. In what ways does global justice challenge existing power dynamics between developed and developing nations?
5. Analyze the relationship between law and economic globalization, citing relevant legal frameworks.
6. Critically examine the relationship between globalization and the free market. How has this relationship shaped economic policies in developing countries?
7. Explain the role of globalization in addressing caste-based inequalities in India? Support your argument with examples and relevant discussions on Ambedkar's Transformative Constitutionalism.

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. How has globalization influenced migration patterns? Evaluate the social implications of increased global mobility.
 9. Trace the historical evolution of globalization from the era of colonialism to contemporary times. How did colonial practices shape modern global interactions?
 10. Evaluate the challenges of globalization in the context of environmental sustainability. What role do global initiatives play in addressing these challenges?
 11. Examine the constitutional provisions governing treaty-making powers in India. How do these powers reflect the interplay between domestic law and international obligations?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes

End Semester (Odd-Semester) Examinations, November 2024

RESEARCH METHODOLOGY AND LEGAL WRITING

Time: 2 ½ Hours

Maximum Marks: 50

PART – A (5 x 8 Marks = 40 Marks)

Answer any FIVE the following with appropriate examples. Please note that examples for every answer carry marks.

1. Develop a draft proposal to be submitted to a Funding Agency, to study the Transgenders in Tamil Nadu. Explain in detail the Research methodology, objectives, chapterization scheme indicating secondary and primary sources of data that are relevant to the topic.
2. If you are provided a chance to study the situation of Anomie and understand the sociological consequences of Anomie resulting due to war in Ukraine-Russia areas or the ongoing civil war in Syria/Somalia or any other region, write in detail the sociological research framework to be employed.
3. Write an essay on identification of topic of legal research and of the statement of problem.
4. Explain the criteria of originality in legal research? What are the practices relating to paraphrasing and quoting of materials?
5. Critically comment on the empirical legal study.

6. Write an essay on the relevance of internal and external aids of interpretation in legal research.
7. What is the significance of reviewing of statutory and case laws? Explain the primary and secondary sources used by a researcher in such reviewing.

PART – B (2 x 5 = 10 Marks)

Answer any TWO of the following with appropriate examples. Please note that examples for every answer carry marks. Each Question carries five marks.

8. Explain the Interview Method and Questionnaire with its type as tools of data collection in Social Science.
 9. Evaluate the role of Projective Techniques and Scaling Techniques in Social Science research.
 10. What are the different types of academic legal writing?
 11. Census Method as a tool of data collection in legal studies.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes

End Semester (Odd-Semester) Examinations, November 2024

CORPORATE FINANCE LAW

Time: 2 ½ Hours

Maximum Marks: 50

Instructions to the students:

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

PART - A (5 x 8 = 40 Marks)

Facts:

The Trichy Medical Textiles Ltd. (TTMT Ltd.), a company incorporated in 2024 with its registered office at Tiruchirappalli, is a manufacturer of medical and other textiles with a 100 crores issued capital divided into 100 crores equity shares of rupee 1 each. Five members of a family hold 20 crores share each. TTMT Ltd. has a state of the art manufacturing unit with advance imported German machineries. For securing an advance, it assigned book debts from the following debtors to the Factor:

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

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

In view of the surge in demand from foreign markets, TTMT Ltd. proposes to expand its manufacturing units. So, it requires additional capital for leasing or

purchasing of land and construction of civil structures for these units and for importing machineries. Total capital requirement is estimated to be about INR 50 crores and USD 100 million respectively. Five existing members are

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

1. Assume that the assignment mentioned in the facts above is not registered under the MSME Act, 2006. What are the remedies available to the factor in case of non-receipt of the assigned sum from the traders?
2. Advise TTMT Ltd. on the procedure to follow in deciding the mode of finance to raise the above capital.
3. You are required to specify subsidies, if any, may be availed by TTMT Ltd. while expanding the units, subject to conditions, if any, to be fulfilled.
4. Assume that TTHL proposes for issuance of optionally fully convertible debentures. Based on the facts above, you are required to draft suitable clauses to be included in the draft offer document to be filed with the SEBI.
5. What is the minimum contribution of promoters required in the IPO proposed above as per applicable SEBI regulations?
6. Is FDI an option for TTMT Ltd. to raise the above sum through bonds? What are the FDI rules TTMT Ltd. has to fulfill to raise the amount required?
7. Can TTMT Ltd. use IFSCA framework to raise the required finance?

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. Write a note on the relevance of information memorandum.
 9. Remedies, if any, available for refusal of in principle approval of listing.
 10. Relevance of composite issue for investor protection.
 11. Regulatory authority of SEBI and IFSCA.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes

End Semester (Odd-Semester) Examinations, November 2024

CORPORATE LAW AND CORPORATE GOVERNANCE

Time: 2 ½ Hours

Maximum Marks: 50

Instructions to the students:

- Write legibly. Fill up the answer book with relevant and cogent answers.
- All questions should be answered by quoting relevant legal provisions, theories & principles, and at least three relevant judicial precedents and suitable illustrations/examples.
- The problem based questions should be preferably answered in the *Issues-Research-Analysis-Conclusion (IRAC)* method.
- You are strictly directed to follow the Question Number as given in the Question Paper.
- Bare Acts are not allowed; Electronic gadgets are prohibited.

PART - A (5 x 8 = 40 Marks)

1. Explore in detail the evolution and current status of laws and policies concerning *Corporate Social Responsibility (CSR)* practices in India. Does a penal approach elicit the best response from Indian corporations?
2. *All India Bank Employees Association (AIBEA)* is the oldest and largest national *Trade Union (TU)* of bank employees in India. AIBEA is not on board with the *Union Government's (UG)* plans to disinvest stake in *Public Sector Banks (PSBs)*. According to them, selling government stake in PSBs would threaten the stability of the banking sector and it would irreparably harm the employees and customers. AIBEA has approached the *Madras High Court (MHC)* to restrain the Indian Government from disinvesting the PSBs without first holding talks with the employee's union for protecting the service conditions and other rights and entitlements of the existing workforce. Is it even mandatory for the

UG to get approval of the disinvestment plan with the TU's? Whether employee's rights can be protected under the corporate governance framework in India?

3. Explain in detail the '*agency theory*' of corporate governance by comparing and contrasting it with the '*nexus of contracts theory*'. Comment about any two major criticisms of the agency theory from an Indian perspective.
4. In the last thirty years, the world has witnessed many auditing scams and accounting deceptions which were not detected at the inception stage itself because of a relaxed and reactionary regulatory environment. For instance, in the USA, *WorldCom's* auditors never challenged the illegal accounting, which had dated back as far as 1999. In India, analysts from the globally reputed *Price Water House Coopers (PwC)* did not manage to detect dishonesty among *Satyam Computer Services* management, despite clear red signals in the financial statements submitted by Satyam. Thus, the auditor's failure to detect financial wrongdoing of significant magnitude has resulted in severe losses to shareholders of corporations across the globe. In this connection, compare and contrast the relevant legal provisions and precedents from India and USA regarding the liability of auditors towards shareholders for failure to prevent accounting scams.
5. What are '*human rights*' according to Indian laws? What types of human rights abuses can companies be linked to and how is this a matter of concern for corporate governance policy makers?
6. "*Not all provisions of Corporate and Securities Laws (CSL) in India directly involved issues of Corporate Governance prior to 2013.*" Do you agree with this statement? Substantiate your opinion by making a comparative analysis between any two provisions of the *Companies Act, 2013* and the *Companies Act, 1956* that dealt with corporate governance principles and policies.
7. "*A good corporate governance model must ensure creation, management and equitable sharing of wealth among the various stakeholders of a corporation.*" Critically comment on this statement by analysing the stakeholder approach towards Directors' duties under Indian company law.

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. Explain the need for diversity and inclusivity in board rooms by analysing the impact of having mandatory women directors on corporate boards.
 9. Define '*whistle-blowing*'. Is whistle-blower protection policy connected with any principles or theories of corporate governance?
 10. Evaluate the advantages and disadvantages of a '*two-tiered board*' system.
 11. Do we have any laws in India codifying and applying the principles of '*stewardship theory*' to Indian entities?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes

End Semester (Odd-Semester) Examinations, November 2024

GENERAL PRINCIPLES OF INTELLECTUAL PROPERTY RIGHTS

Time: 2 ½ Hours

Maximum Marks: 50

PART - A (5 x 8 = 40 Marks)

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

1. *"A commons is a tract of land or water owned or used jointly by the members of a community. The global commons includes those parts of the Earth's surface beyond national jurisdictions — notably the open ocean and the living resources found there — or held in common — notably the atmosphere. The only landmass that may be regarded as part of the global commons is Antarctica ..."* – Elucidate this statement and shed your lights on the concept of public domain and correlates it with the concept of 'commons and anti-commons' referring to the Intellectual Property Rights.
2. With the wide scope of IP protection offered in India, there arise several overlaps that exists in the present Intellectual Property Right regime. The issue of overlapping arises when the innovator who tries to hold IP rights in multiple regimes and / or tries to assert his / her rights under more than one regime. Such disputes include overlap between *copyright and design, Copyright and Trademark, Trademark and Geographical Indications*. In this context, critically analyse the overlapping of copyright and Designs referring to the relevant provisions and the judicial decisions if any.