



TAMIL NADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS

END-SEMESTER EXAMINATIONS,
NOVEMBER -2019

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

**B.A. LL.B. (HONS) DEGREE
PROGRAMME**

**B.Com.. LL.B. (HONS) DEGREE
PROGRAMME**

No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019

ENGLISH-I / BUSINESS ENGLISH-I

Time: 2½ Hours

Maximum Marks: 50

- I. Answer any FIVE of the following: [5 X 2 = 10 Marks] (50-80 Words)
- Explain the psychological barrier in communication.
 - Explain the role of "Feed Back" in communication.
 - "The meanings of a text are the 'production' or 'creation' of the individual reader". Explain.
 - Describe the functions of "Conflict" in narration.
 - What is polemical form of writing?
 - Give the features of "Kafkaesque".
 - What is Renaissance Humanism?
- II. Write a short note on any TWO of the following: [2 X 5 = 10 Marks] (300-400 words)
- Literary devices
 - English as a global tongue.
 - Legal writing and Imagination
 - Violation of classical unity in modern texts.
- III. Describe the legal aspects represented in *The Merchant of Venice*. [1 X 5 = 5 Marks] (300-400 words)
- IV. Read the stanza and answer the following questions: [2 X 5 = 10 Marks] (Answer in one or two sentences)
- "Fishermen in the cold sea
Would not harm whales
And the man gathering salt
Would look at his hurt hands"*
- What is the fisherman symbolic of?
 - What will happen when fishermen do not harm whales?
 - What has happened to the man gathering salt?

- d) What would happen to fishermen in this moment of silence?
- e) What image does the poet create in the last line?

[OR]

**“A thing of beauty is a joy forever
Its loveliness increases, it will never
Pass into nothingness; but will keep
a bower quiet for us, and a sleep
full of sweet dreams, and health, and quiet breathing
Therefore, on every morrow, are we wreathing
A flowery band to bind us to the earth.”**

- a) What is the special virtue of a beautiful thing?
- b) How does it bless us?
- c) Explain the expression “A bower quiet for us”.
- d) What do we do every day?
- e) How is beauty related to joy?

V. Describe the character Joseph K in *The Trial* with the features of Modernism. (5 X 1 = 5 Marks)

VI. Annotate the passage given below with special reference to the legal aspects and fictional qualities represented by Harper Lee in *To Kill a Mockingbird*. (10 X 1 = 10 Marks)

“But there is one way in this country in which all men are created equal—there is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of an Einstein and the ignorant man the equal of any college president. That institution, gentlemen, is a court. It can be the Supreme Court of the United States or the humblest J.P. court in the land, or this honorable court which you serve. Our courts have their faults, as does any human institution, but in this country our courts are the great levelers, and in our courts all men are created equal”

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year-First Semester, End-Semester Examinations (Odd-Semester), November 2019

POLITICAL SCIENCE –I (POLITICAL THEORY AND ORGANIZATIONS)

Time: 2½ Hours

Maximum Marks: 50

PART – A (5 X 6 = 30 Marks)

Answer any FIVE of the following questions. Answer to each question should not be less than 300 words:

1. Critically examine Austin's theory of Sovereignty.
2. Explain various Civil and Political Rights of Citizens.
3. Explain the ideas of prominent Anarchists and distinguish between Anarchism and Communism.
4. Explain the differences between the State and the Government.
5. Discuss the important ideas of Karl Marx and the Criticism advanced against his ideas.
6. "There should be two Chambers for making the Laws" - Write the arguments advanced in support of the statement.

PART – B (2 X 10 = 20 Marks)

Answer any TWO of the following questions. Answer to each question should not be less than 500 words:

7. Compare the concepts of the State of Nature, Social Contract and Sovereignty of Hobbes, Locke and Rousseau.
8. Write about the functions of Judiciary and the factors which influence the Independence of Judiciary.
9. What do you mean by Public Opinion and how various agencies influence the opinion of the people on vital issues of the State?

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019

SOCIOLOGY-I (A CRITICAL INTRODUCTION)

Time: 2½ Hours

Maximum Marks: 50

PART – A (20 X 1 = 20 Marks)

Answer the following questions. Each question carries one mark:

1. The two characterizes of a community are:
2. The Sociologist who gave the concept of sacred and profane in religion is:
3. Latent and Manifest functions in sociology was put forth by
4. Max Weber's major work on analysis of religion and economy is:
5. Give an example of altruistic suicide
6. The lineage or descent of family traced through mother, or females as head of household is known as
7. The Parsis of Gujarat are an example for _____ social process
8. Give an example of a secondary group in process of socialization
9. Animism was propounded by
10. The two important systems through which an individual acquires citizenship are:
11. The first district gazetteer of Madras Presidency was published in 1906 for _____ district by _____
12. The two types of social statuses are:
13. The present National Archives of India was first established as _____ in 1891 in Calcutta.
14. The Government body that publishes farmers' suicide statistics separately along with other types of suicides from 1995:
15. Name the three Interlocking hierarchies of the American society according C.W Mills

16. Karl Marx borrowed the concept of dialectical historicism from the German Philosopher _____
17. The two important reformers of Christianity of 15th and 16th century Europe, who established the order of Protestantism, are:
18. _____ is a continuous urban spread constituting a town and its adjoining outgrowths or two or more physically contiguous towns together with or without outgrowths of such towns
19. Fatalistic suicides are commonly observed among _____
20. What are two important observations/concepts that are associated with Adam Smith's Wealth of Nations?

PART – B (3 X 10 = 30 Marks)

Answer any THREE of the following. Each question carries ten marks:

21. Discuss Karl Marx's mode of production and social structure in history of classes.
 22. Define Cooperation and its types with suitable examples.
 23. Discuss theories of Socialization by C H Cooley and Freud.
 24. Discuss Conflict and its types with suitable examples.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019

ECONOMICS-I (PRINCIPLES OF ECONOMICS)

Time: 2½ Hours

Maximum Marks: 50

**Answer any FOUR of the following questions, not more than 350 Words each
(4 X 12½ = 50 Marks):**

1. Differentiate between the applicability of market based solutions and command and control policies to internalise negative externalities.
 2. Apples and Oranges are not the same but GDP is all about market value. Critically evaluate GDP?
 3. What is the slope of the individual firm's demand curve and the market's demand curve in a perfectly competitive market? Explain with appropriate diagram.
 4. What are the three macroeconomic goals? Elaborate their importance to keep any economy healthier.
 5. From the documentary "Battle for Elephants", elucidate the conflict between positive and normative Economics.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019

LEGAL METHODS

Time: 2½ Hours

Maximum Marks: 50

Short Answer Questions - All questions are compulsory:

1. Write a short note on *Ratio Decidendi* and *Obiter Dicta* (5 Marks)
2. Differentiate between Substantive and Procedural Law (4 Marks)
3. Is judicial activism violative of the doctrine of Separation of Powers? Explain on the basis of the discussions had in class. (5 Marks)
4. Answer the following questions pertaining to referencing and styles of citation- (6 X 1 = 6 Marks)
 - a. Identify the style of citation - *Judgment of the Nuremberg International Military Tribunal 1946* (1947) 41 AJIL 172;

Identify the mistakes in the following citations from b. To e.

- b. Francis Rose, 'The Evolution of the Species' in Andrew Burrows and Alan Rodger (eds), *Mapping the Law: Essays in Memory of Peter Birks* (OUP 2006)
- c. Thomas Hobbes, *Leviathan* (first published 1651, Penguin 1985) 268
- d. CHARLES DICKENS, BLEAK HOUSE 49-55, 1853 (Norman Page ed., Penguin Books 1971)
- e. Charles A. Reich, *The New Property*, 73 YALE L.J. 737-38 (1964) 747
- f. Identify the court of judicature in this case- *Joseph Shine vs. Union of India* 1676 SC (2018)

Answer any THREE of the following questions:

5. Explain, in detail, the lifecycle of a legislation. **(10 Marks)**
 6. Write a brief comment on the development of law in the Romano-Germanic legal system. How would you distinguish it from the Common Law System? **(10 Marks)**
 7. Layout the hierarchy of courts in the Indian legal system bringing out the distinctions between them based on their territorial, pecuniary and subject-matter jurisdiction. **(10 Marks)**
 8. What are the various kinds of Constitution that you have read in class? Based on that understanding how would you compare the Constitutions of India, U.S. and England? **(10 Marks)**
-

Name : Register No.: **TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI****B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme****First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019****LAW OF TORTS**

Time: 2½ Hours

Maximum Marks: 50

PART - A**1. Answer either (1.1) or (1.2). (1 X 10 = 10 Marks)****(1.1) Answer the following very briefly:**

Situation	Liable or Not?	Principle and Case Law (§) (if any)
a. Shilpa goes for a liver operation after a car crash to which she consents. During the operation, Sohami the doctor realises that the spleen is damaged beyond recognition and takes it out as well. Shilpa sues Sohami.		
b. During Diwali, Amitav is carrying firecrackers in his handbag. A car driven by 'X' knocks him over and he drops the handbag. The crackers burst and break a tree branch which falls on Sam's head injuring her. Who can Sam recover against?		
c. Prachi is watching a live boxing match on TV, where her partner Boxy is one of the boxers. Medhu, the other player throws a punch so hard that it knocks off Boxy's head guard and causes him to fall to the floor unconscious. Before Boxy can be revived, Prachi suffers psychiatric injury. Prachi sues Medhu.		

(OR)

(1.2) What do you understand by Trespass? Discuss the basic elements of Trespass using caselaws, examples and principles. You may choose to discuss either Trespass to Land or Trespass to Person.

2. Short Notes on any THREE. (3 X 5 = 15 Marks)

- (2.1) Liability of a Master for an Independent Contractor.
- (2.2) Injunction as a Remedy.
- (2.3) Relevance and Application of Malice.
- (2.4) *Res Ipsa Loquitor*.

PART – B (2 X 12½ = 25 Marks)

Answer any TWO of the following questions:

3. In the 1950's, Titanic Chemicals Ltd. set up a factory manufacturing Chemical 'X'. At the time, Chemical 'X' was not known widely to have any harmful effects. However, recent studies had been showing that in reaction with water, it forms a dangerous substance that could lead to poisoning in any being when consumed. Titanic Chemicals decides to set up on the sea shore, where large plots of land have started being let out by the Government for industrialisation. The factory is set up close to the fishing village of Bombil. The factory is loud, and lets out a great deal of fumes, frustrating the villagers.

One day, a tsunami rocks the shore and hits the factory and the village. Chemical 'X' leaks and immediately dissolves in the water. As it turns out, the mixture of 'X' and sea water created the same kind of lethal compound the studies feared. The contaminated sea water kills thousands of fish in the water immediately and compromises the entire marine ecosystem. The people of Bombil can no longer earn their livelihood from the shore and must now relocate. Advise who the people should sue, on what grounds and what remedy they should ask for.

4. Ms. Rose Dawson, an 84-year-old woman was driving her car to work. Having a very sleepy morning and needing to be alert at work, she stopped at a drive-through named Batista Coffee House. A drive-through is a type of service provided by a restaurant that allows its customers to purchase products without leaving their cars. When she stopped at the drive through, she sleepily asked for an extra hot cup of coffee.

This morning the coffee house was understaffed. Due to this, the cashier at the window was Jack whose shift was technically over. Jack would ordinarily take the orders and then hand it over to a server who would then bring the order to him. He personally went to bring Rose's coffee due to the understaffing.

Batista Coffee house had a rule which did not allow coffee over 80 degrees Celsius. Jack, however both unaware of the Rule and wanting to follow Rose's order, ignored the temperature setting on the machine and cranked it up to 95 degrees temporarily. He heated the coffee and then handed it over to Rose.

After buying the coffee, while sitting in the driver's seat, she placed the coffee cup between her knees and tried to open the lid to add milk powder and sugar. Unfortunately, the coffee spilled and caused 3rd degree burns to over 10% on her knees and legs. Rose, who has a prior skin condition, spent 10 days in the hospital and had to undergo skin graft plastic surgery operations. Ms. Rose Dawson wants to be compensated for her injuries from Batista Coffee House. She alleges that by serving the coffee which was extremely hot, Batista Coffee House has committed the tort of negligence. Batista Coffee House refutes the allegations. Decide.

5. Ms. Amba is a prominent industrialist. Amba is the Director of Reliant Textiles Ltd. (RTL), the largest textile company in the country. Ms. Amba is also the Chairperson of the Textile Board of India, a department of the government which regulates the policies that apply to the textile industry of the country.

Mr. Niyati is the Editor in chief of the 'New Press', the most influential newspaper in the country. Every year, the paper holds a panel discussion of powerful business persons to speak of accountability and corruption. This year, Ms. Amba, is part of the panel discussion. At the discussion, Niyati, confronts Ms. Amba with certain figures of her company, which strongly imply tax evasion, money laundering and exertion of undue influence on the government. Amba, angry unleashes at Niyati for being unprofessional, Niyati gets angry as well and there is a full argument that takes place.

A week after the incident, the 'New Press' carries an editorial with the heading "Rely on Corruption". It is accompanied by a cartoon of a man in a suit juggling money and ministers of the government. The suit is printed with the word textile all over it. The editorial essentially speaks of how the country's development has become the plaything of powerful companies and their corruption. The editorial states that 'placing Directors of companies as Chairpersons of Government Boards' allows companies to use their connections to evade taxes, influence policies that will favour them, cheating the public and disadvantage smaller, grassroots textile companies.

Ms. Amba files a defamation suit against the 'New Press' and asks for an injunction on future pieces. Decide.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019

ENGLISH-I / BUSINESS ENGLISH-I

Time: 2½ Hours

Maximum Marks: 50

- I. Answer any FIVE of the following: [5 X 2 = 10 Marks] (50-80 Words)**
- Explain the psychological barrier in communication.
 - Explain the role of “Feed Back “in communication.
 - “The meanings of a text are the ‘production’ or ‘creation’ of the individual reader”. Explain.
 - Describe the functions of “Conflict” in narration.
 - What is polemical form of writing?
 - Give the features of “Kafkaesque”.
 - What is Renaissance Humanism?
- II. Write a short note on any TWO of the following: [2 X 5 = 10 Marks] (300-400 words)**
- Literary devices
 - English as a global tongue.
 - Legal writing and Imagination
 - Violation of classical unity in modern texts.
- III. Describe the legal aspects represented in *The Merchant of Venice*. [1 X 5 = 5 Marks] (300-400 words)**
- IV. Read the stanza and answer the following questions: [2 X 5 = 10 Marks] (Answer in one or two sentences)**
- “Fishermen in the cold sea
Would not harm whales
And the man gathering salt
Would look at his hurt hands”*
- What is the fisherman symbolic of?
 - What will happen when fishermen do not harm whales?
 - What has happened to the man gathering salt?

- d) What would happen to fishermen in this moment of silence?
- e) What image does the poet create in the last line?

[OR]

**“A thing of beauty is a joy forever
Its loveliness increases, it will never
Pass into nothingness; but will keep
a bower quiet for us, and a sleep
full of sweet dreams, and health, and quiet breathing
Therefore, on every morrow, are we wreathing
A flowery band to bind us to the earth.”**

- a) What is the special virtue of a beautiful thing?
- b) How does it bless us?
- c) Explain the expression “A bower quiet for us”.
- d) What do we do every day?
- e) How is beauty related to joy?

- V. **Describe the character Joseph K in *The Trail* with the features of Modernism. (5 X 1 = 5 Marks)**
- VI. **Annotate the passage given below with special reference to the legal aspects and fictional qualities represented by Harper Lee in *To Kill a Mockingbird*. (10 X 1 = 10 Marks)**

“But there is one way in this country in which all men are created equal—there is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of an Einstein and the ignorant man the equal of any college president. That institution, gentlemen, is a court. It can be the Supreme Court of the United States or the humblest J.P. court in the land, or this honorable court which you serve. Our courts have their faults, as does any human institution, but in this country our courts are the great levelers, and in our courts all men are created equal”

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019

SOCIOLOGY-I (A CRITICAL INTRODUCTION)

Time: 2½ Hours

Maximum Marks: 50

PART – A (20 X 1 = 20 Marks)

Answer the following questions. Each question carries one mark:

1. The two characterizes of a community are:
2. The Sociologist who gave the concept of sacred and profane in religion is:
3. Latent and Manifest functions in sociology was put forth by
4. Max Weber's major work on analysis of religion and economy is:
5. Give an example of altruistic suicide
6. The lineage or descent of family traced through mother, or females as head of household is known as
7. The Parsis of Gujarat are an example for _____ social process
8. Give an example of a secondary group in process of socialization
9. Animism was propounded by
10. The two important systems through which an individual acquires citizenship are:
11. The first district gazetteer of Madras Presidency was published in 1906 for _____ district by _____
12. The two types of social statuses are:
13. The present National Archives of India was first established as _____ in 1891 in Calcutta.
14. The Government body that publishes farmers' suicide statistics separately along with other types of suicides from 1995:
15. Name the three Interlocking hierarchies of the American society according C.W Mills

16. Karl Marx borrowed the concept of dialectical historicism from the German Philosopher _____
17. The two important reformers of Christianity of 15th and 16th century Europe, who established the order of Protestantism, are:
18. _____ is a continuous urban spread constituting a town and its adjoining outgrowths or two or more physically contiguous towns together with or without outgrowths of such towns
19. Fatalistic suicides are commonly observed among _____
20. What are two important observations/concepts that are associated with Adam Smith's Wealth of Nations?

PART – B (3 X 10 = 30 Marks)

Answer any THREE of the following. Each question carries ten marks:

21. Discuss Karl Marx's mode of production and social structure in history of classes.
 22. Define Cooperation and its types with suitable examples.
 23. Discuss theories of Socialization by C H Cooley and Freud.
 24. Discuss Conflict and its types with suitable examples.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019

BUSINESS ORGANIZATION AND MANAGEMENT

Time: 2½ Hours

Maximum Marks: 50

PART – A (5 X 3 = 15 Marks)

Answer any FIVE of the following questions:

1. Write short notes on:

- (i) Company Limited by shares
- (ii) Partner by Estoppel

2. What is Span of Management?

3. What is Standing or Multiuse plan?

4. Write short notes on:

- (i) Business Process Re-engineering
- (ii) Decentralization

5. What is Human resource planning?

6. Write short notes on

- (i) Job Description
- (ii) Management by Objectives (MBO)

7. What is Learning Organization?

PART – B (3 X 5 = 15 Marks)

Answer any THREE of the following questions:

8. Explain the basic functions of Management.

9. Outline the various types of Business sector.

10. Detail the steps involved in Human resource planning.

11. Explain the various methods of providing Training to employees.

12. Discuss the methods of operations of Multinational Corporations (MNCs).

PART – C (2 X 10 = 20 Marks)

Answer any TWO of the following questions:

13. Explain the Principles of Management given by Henry Fayol.
 14. Discuss the Challenges for Indian Business in new Millennium.
 15. Elaborate the procedure for Selection of Personnel in a business firm.
 16. Explain the Emerging Human Resource Techniques.
 17. Discuss the Evolution of Management theories.
-

Name : Register No.: **TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI****B.Com. LL.B. (Hons) Degree Programme****First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019****FINANCIAL ACCOUNTING AND PRACTICAL AUDITING**

Time: 2½ Hours

Maximum Marks: 40

PART – A (2 X 5 = 10 Marks)**Answer any TWO from the followings:**

1. Explain Single Entry System. What are its disadvantages? How does it differ from Double Entry System?
2. “Auditor is a watch dog, not a bloodhound” – Comment.
3. Briefly explain the Accounts for Law Office.

PART – B (3 X 10 = 30 Marks)**Answer any THREE from the followings:**

4. The following balances were extracted from the books of Mr. Leon on December 31, 2018:

Debit Balances	Rs.	Credit Balances	Rs.
Plant & Machinery	20,000	Capital Account	80,000
Manufacturing wages	34,500	Sundry Creditors	44,560
Salaries	15,850	Bank Loan	15,000
Furniture	10,000	Purchase returns	1,740
Freight on purchase	1,860	Sales	2,50,850
Freight on sales	2,140	Reserve for Bad debts	2,000
Buildings	24,000		
Manufacturing expenses	9,500		
Insurance	4,250		
Cash and Bank	25,000		
General Expenses	8,200		

Debit Balances	Rs.	Credit Balances	Rs.
Factory fuel and power	1,280		
Sundry debtors	78,200		
Factory lighting	950		
Stock (December 31, 2017)	34,200		
Motor Car	12,000		
Purchases	1,02,000		
Sales Returns	3,100		
Bad debts	1,400		
Interest & Bank Charges	400		
Cash in bank	4,200		
Cash in Hand	1,120		
	3,94,150		3,94,150

Prepare the Trading and Profit and Loss Account for the year ended December 31, 2018 and the Balance sheet as on that date taking into consideration the following:

1. Stock on hand on December 31, 2018, was valued at Rs.30,500
2. Depreciate Plant & Machinery by 10%, Furniture by 5%, and Motor Car by Rs.1,000
3. Bring Provision for Bad debts to 5% of sundry debtors.
4. Create a provision for discount on debtors at 5%
5. Salary outstanding Rs.1,150
6. Insurance paid in advance Rs. 250

5. The following is the Receipts and Payments Account of the King Sports Club for the year ending 31.12.2018:

Receipts	Rs.	Payments	Rs.
To Balance on 1.1.2018	2,500	By Wages	500
To Subscriptions:		By Furniture (purchased on 1.10.2018)	1,500
2017 - 250		By Sports expenses	1,250
2018 - 7,500		By Sundry Expenses	7,600
2019 - 500	8,250	By Balance c/d	7,000
To Life Members' Fees	6,000		
To Sale of Scrap	100		
To Interest received	1,000		
	17,850		17,850

Following information is also available:

1. Subscription outstanding during 2018 is Rs. 500
2. On 1.1.2018 the Club's Assets and liabilities included furniture of Rs.1,000; Sports Material Rs.15,000; Investment Rs.15,000; Provide depreciation on furniture at 20% and on Sport Material at 10%.

Prepare Income and Expenditure account for the ended 31.12.2018 and a Balance Sheet as on that date.

6. Ram & Shyam were partners sharing profits and losses in the ratio of 3:2.

Balance Sheet of X and Y as on December 31, 2017

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Sundry creditors		20,000	Cash in hand		5,000
Capital Accounts:			Furniture		5,000
X:	30,000		Stock		10,000
Y:	<u>20,000</u>	50,000	Sundry debtors	10,000	
Reserve Fund		5,000	Less: Provision of bad debts	<u>1,000</u>	9,000
Other Liabilities		25,000	Plant & Machinery		35,000
			Buildings		25,000
			Land		11,000
		1,00,000			1,00,000

The firm was dissolved on December 31, 2017 and the following information is available:

- (1) Furniture and stock were realised 10% less than the book value
- (2) Debtors realised at Rs.9,500
- (3) Plant & Machinery was sold for Rs.36,000 and Building was taken over by Mr. X at Rs.40,000
- (4) Sundry Creditors have allowed a discount of 2.5% and other liabilities has settled at book value
- (5) Realization Expenses amounted to Rs.1,000
- (6) Land realised at Rs.15,000

Pass necessary journal entries to close the books of the firm and show the Realization Account, Partners' Capital Accounts and the Cash Account

7. Mr. Moon purchased a car on hire-purchase system. The total cash price of the car is Rs.1,59,800 payable Rs.40,000 down and three instalments of Rs.60,000 Rs.50,000 and Rs.20,000 payable at the end of first, second and third year respectively. The car will be depreciated at 10% p.a. under diminishing balance method. You are required to give journal entries in the books of the both the parties and prepare Car Account and Hire Vendor Account in the books of Mr. Moon.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019

LEGAL METHODS

Time: 2½ Hours

Maximum Marks: 50

Short Answer Questions - All questions are compulsory:

1. Write a short note on *Ratio Decidendi* and *Obiter Dicta* (5 Marks)
2. Differentiate between Substantive and Procedural Law (4 Marks)
3. Is judicial activism violative of the doctrine of Separation of Powers? Explain on the basis of the discussions had in class. (5 Marks)
4. Answer the following questions pertaining to referencing and styles of citation- (6 X 1 = 6 Marks)
 - a. Identify the style of citation - *Judgment of the Nuremberg International Military Tribunal 1946* (1947) 41 AJIL 172;

Identify the mistakes in the following citations from b. To e.

- b. Francis Rose, 'The Evolution of the Species' in Andrew Burrows and Alan Rodger (eds), *Mapping the Law: Essays in Memory of Peter Birks* (OUP 2006)
- c. Thomas Hobbes, *Leviathan* (first published 1651, Penguin 1985) 268
- d. CHARLES DICKENS, BLEAK HOUSE 49-55, 1853 (Norman Page ed., Penguin Books 1971)
- e. Charles A. Reich, *The New Property*, 73 YALE L.J. 737-38 (1964) 747
- f. Identify the court of judicature in this case- *Joseph Shine vs. Union of India* 1676 SC (2018)

Answer any THREE of the following questions:

5. Explain, in detail, the lifecycle of a legislation. **(10 Marks)**
 6. Write a brief comment on the development of law in the Romano-Germanic legal system. How would you distinguish it from the Common Law System? **(10 Marks)**
 7. Layout the hierarchy of courts in the Indian legal system bringing out the distinctions between them based on their territorial, pecuniary and subject-matter jurisdiction. **(10 Marks)**
 8. What are the various kinds of Constitution that you have read in class? Based on that understanding how would you compare the Constitutions of India, U.S. and England? **(10 Marks)**
-

Name : Register No.: **TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI****B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme****First Year - First Semester, End-Semester Examinations (Odd-Semester), November 2019****LAW OF TORTS**

Time: 2½ Hours

Maximum Marks: 50

PART - A**1. Answer either (1.1) or (1.2). (1 X 10 = 10 Marks)****(1.1) Answer the following very briefly:**

Situation	Liable or Not?	Principle and Case Law (s) (if any)
a. Shilpa goes for a liver operation after a car crash to which she consents. During the operation, Sohami the doctor realises that the spleen is damaged beyond recognition and takes it out as well. Shilpa sues Sohami.		
b. During Diwali, Amitav is carrying firecrackers in his handbag. A car driven by 'X' knocks him over and he drops the handbag. The crackers burst and break a tree branch which falls on Sam's head injuring her. Who can Sam recover against?		
c. Prachi is watching a live boxing match on TV, where her partner Boxy is one of the boxers. Medhu, the other player throws a punch so hard that it knocks off Boxy's head guard and causes him to fall to the floor unconscious. Before Boxy can be revived, Prachi suffers psychiatric injury. Prachi sues Medhu.		

(OR)

(1.2) What do you understand by Trespass? Discuss the basic elements of Trespass using caselaws, examples and principles. You may choose to discuss either Trespass to Land or Trespass to Person.

2. Short Notes on any THREE. (3 X 5 = 15 Marks)

- (2.1) Liability of a Master for an Independent Contractor.
- (2.2) Injunction as a Remedy.
- (2.3) Relevance and Application of Malice.
- (2.4) *Res Ipsa Loquitur*.

PART – B (2 X 12½ = 25 Marks)

Answer any TWO of the following questions:

3. In the 1950's, Titanic Chemicals Ltd. set up a factory manufacturing Chemical 'X'. At the time, Chemical 'X' was not known widely to have any harmful effects. However, recent studies had been showing that in reaction with water, it forms a dangerous substance that could lead to poisoning in any being when consumed. Titanic Chemicals decides to set up on the sea shore, where large plots of land have started being let out by the Government for industrialisation. The factory is set up close to the fishing village of Bombil. The factory is loud, and lets out a great deal of fumes, frustrating the villagers.

One day, a tsunami rocks the shore and hits the factory and the village. Chemical 'X' leaks and immediately dissolves in the water. As it turns out, the mixture of 'X' and sea water created the same kind of lethal compound the studies feared. The contaminated sea water kills thousands of fish in the water immediately and compromises the entire marine ecosystem. The people of Bombil can no longer earn their livelihood from the shore and must now relocate. Advise who the people should sue, on what grounds and what remedy they should ask for.

4. Ms. Rose Dawson, an 84-year-old woman was driving her car to work. Having a very sleepy morning and needing to be alert at work, she stopped at a drive-through named Batista Coffee House. A drive-through is a type of service provided by a restaurant that allows its customers to purchase products without leaving their cars. When she stopped at the drive through, she sleepily asked for an extra hot cup of coffee.

This morning the coffee house was understaffed. Due to this, the cashier at the window was Jack whose shift was technically over. Jack would ordinarily take the orders and then hand it over to a server who would then bring the order to him. He personally went to bring Rose's coffee due to the understaffing.

Batista Coffee house had a rule which did not allow coffee over 80 degrees Celsius. Jack, however both unaware of the Rule and wanting to follow Rose's order, ignored the temperature setting on the machine and cranked it up to 95 degrees temporarily. He heated the coffee and then handed it over to Rose.

After buying the coffee, while sitting in the driver's seat, she placed the coffee cup between her knees and tried to open the lid to add milk powder and sugar. Unfortunately, the coffee spilled and caused 3rd degree burns to over 10% on her knees and legs. Rose, who has a prior skin condition, spent 10 days in the hospital and had to undergo skin graft plastic surgery operations. Ms. Rose Dawson wants to be compensated for her injuries from Batista Coffee House. She alleges that by serving the coffee which was extremely hot, Batista Coffee House has committed the tort of negligence. Batista Coffee House refutes the allegations. Decide.

5. Ms. Amba is a prominent industrialist. Amba is the Director of Reliant Textiles Ltd. (RTL), the largest textile company in the country. Ms. Amba is also the Chairperson of the Textile Board of India, a department of the government which regulates the policies that apply to the textile industry of the country.

Mr. Niyati is the Editor in chief of the 'New Press', the most influential newspaper in the country. Every year, the paper holds a panel discussion of powerful business persons to speak of accountability and corruption. This year, Ms. Amba, is part of the panel discussion. At the discussion, Niyati, confronts Ms. Amba with certain figures of her company, which strongly imply tax evasion, money laundering and exertion of undue influence on the government. Amba, angry unleashes at Niyati for being unprofessional, Niyati gets angry as well and there is a full argument that takes place.

A week after the incident, the 'New Press' carries an editorial with the heading "Rely on Corruption". It is accompanied by a cartoon of a man in a suit juggling money and ministers of the government. The suit is printed with the word textile all over it. The editorial essentially speaks of how the country's development has become the plaything of powerful companies and their corruption. The editorial states that 'placing Directors of companies as Chairpersons of Government Boards' allows companies to use their connections to evade taxes, influence policies that will favour them, cheating the public and disadvantage smaller, grassroots textile companies.

Ms. Amba files a defamation suit against the 'New Press' and asks for an injunction on future pieces. Decide.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

ECONOMICS – II (INDIAN ECONOMY)

Time: 2½ Hours

Maximum Marks: 50

Answer any FOUR of the following questions, not more than 350 words:

(4 X 12½ = 50 Marks)

1. Elucidate the fiscal tools, monetary tools and administrative measures used in India to control inflation.
 2. Critically evaluate green revolution in India.
 3. Argue for and against the idea of Universal basic income in the light of the documentaries “Secrets of Silicon Valley” and “The AI Race”.
 4. Clarify the Components of balance of payments.
 5. Elaborate on the impact of Structural Adjustment Programme imposed by International Monetary Fund on Indian Economy.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year-Third Semester, End-Semester Examinations (Odd-Semester), November 2019

POLITICAL SCIENCE – III (INTERNATIONAL RELATIONS)

Time: 2½ Hours

Maximum Marks: 50

PART – A (5 X 6 = 30 Marks)

Answer any FIVE of the following questions. Answer to each question should not be less than 300 words:

1. “David Singer considers a Level of Analysis to be an ‘orientation’ with which analysts approach a problem, in which they can always look ‘upon the components’ “—Discuss the important components of Levels of Analysis with a couple of examples.
2. Explain the Motives of Imperialism and Techniques of Imperialism.
3. Define Balance of Power and discuss the Characteristics and Techniques of Balance of Power.
4. Discuss the Basic Assumptions of Realism and Criticism levelled against Realist Theory in International Relations.
5. Define Diplomacy and discuss the Features of Old and New Diplomacy.
6. What is North-South Divide? Write a note on North-South Dialogue and North-South cooperation.

PART – B (2 X 10 = 20 Marks)

Answer any TWO of the following questions. Answer to each question should not be less than 500 words:

7. “World System Theory argues that the global economic system is inherently unfair”— critically analyze the statement, substantiate with examples.
8. What is Detente? What are the Causes and Implications of Detente?
9. What is an International Law and what are the Sources of International Laws? Discuss the reasons why the countries tend to obey International Laws.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF CONTRACTS-II (SPECIAL PRINCIPLES OF CONTRACT)

Time: 2½ Hours

Maximum Marks: 50

PART - A (3 X 7 = 21 Marks)

Answer any THREE of the following problems:

1. Ganesh instructed his agent Mahesh expressly not to buy a particular land, but Mahesh purchased that for himself. The Principal later claimed the land by ratification. Is the action of the Principal in order?
2. Mahesh guarantees a debt by Ramesh to Suresh, the creditor on 20th October 2017. Two years has elapsed from the due date and Ramesh has till date not paid the debt and Suresh also has not taken any action for the recovery of the amount. Is Mahesh, the surety discharged from liability?
3. Mala was shopping in a self-service super market. She picked up a bottle of soft drink from a shelf. While she was examining it, the bottle exploded in her hand and injured her. She sued the manufacturer of the soft drink to recover damages for breach of condition arising from the sale of the soft drink. Decide.
4. Charles was a partner in a firm. The firm ordered goods in Charles lifetime, but delivered after his death. The supplier of the goods claimed to be paid out of Charles's estate. Advise Charles legal representatives.
5. Radha, Seetha and Sudha are partners in a registered firm. Sudha retires from the firm and Roopa had been taken in her place. But this fact is not notified to the Registrar of firms. Subsequently, Radha, Seetha and Roopa filed a suit for Rs. 10,000/- against Kala, a debtor to the firm. Will they succeed?

PART - B (3 X 7 = 21 Marks)

Answer any THREE questions. Answers to all the questions in this part must be in about 400 words:

6. "A contract of Agency may be terminated by either of the parties and also through operation of law". Explain this statement in the light of the grounds available for termination of an agency relationship.

7. Section 4 (1) of the Sale of Goods Act, 1930 defines a contract of sale of goods as 'a contract whereby the seller transfers or agrees to transfer the property in the goods for a price'. Analyze this section and bring out the legal consequences flowing from the two kinds of sale.
8. "The lien of an unpaid seller is in the nature of a distress. It may be defined as a right of retaining property until a debt due to the person retaining it has been paid". Elucidate this statement in relation to the special right of lien given to the unpaid vendor under the provisions of The Sale of Goods Act.
9. In COX v. HICKMAN Lord Crownworth held that participation in profits is not the decisive test of partnership. The true test is whether there is mutual agency among the members of the association. However, participation in profits, though not conclusive, is a cogent piece of evidence which must be given due weight in the light of other circumstances". Examine this statement in the matter of determination of a partnership form of business,
10. 'The law of partnership ensures registration of a Firm, though it is not compulsory'. Explain the meaning of this statement with special reference to Section 69 of the Partnership Act, 1932.

PART - C (4 X 2 = 8 Marks)

Answer any FOUR questions from this part, must be in about 50 words each:

11.
 - a. Bailment and Pledge
 - b. Consideration in Guarantee
 - c. Rights of Finder of Goods
 - d. Rights of stoppage in transit
 - e. Surety's liability
 - f. Distinction between Partnership and Co-ownership
 - g. Features of an LLP
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

FAMILY LAW-II

Time: 2½ Hours

Maximum Marks: 50

Answer any FIVE in detail: (5 X 10 = 50 Marks)

1. Peter is an Indian Christian, who died intestate on 5th July, 2019, leaving behind his mother Mary, his brothers Xavier and Antony and his brother Parker's children. Parker died on 22nd September, 2018 due to heart attack, leaving behind his children, Alice and Alen. The family has decided to distribute the property of Peter.

Answer the following with relevant legal provisions:

- a) Who is an Indian Christian? (2 Marks)
 - b) What is the share of the property which will be provided to Peter's Mother? (2 Marks)
 - c) What is the proportion of share that Alice and Alen will receive? (3 Marks)
 - d) Will the shares of the heirs change if Peter's Father was alive? Comment on the gender equality in Christian Law in India. (3 Marks)
2. A Muslim dies leaving behind his father, mother, widow, daughter and a son's daughter. Calculate their respective shares when
- a) The propositus is a Sunni Muslim (5 Marks)
 - b) The propositus is a Shia Muslim. (5 Marks)
3. Karuna, a Hindu male governed by Mitakshara law died intestate as an undivided member of a Joint Hindu Family in the year 1980. He has left behind Joint family property and separate property. He is survived by his father, mother, a brother, his widow, two sons (of which one is a separated son) and an unmarried daughter. Calculate the share of each heir with respect to the Joint Family property and separate property. (10 Marks)

4. Answer the following:

- a) Critically comment on the concept of Stridhana and Dowry with the help of relevant legal provisions. State your opinion about Supreme Court's decision on *Pratibha Rani v. Suraj Kumar* AIR 1985 SC 628 **(5 Marks)**
- b) Comment on the legal recognition of Live-in relationship in India. With the help of relevant case laws, explain the property rights related to it. **(5 Marks)**

5. Answer the following:

- a) State the essentials of a valid 'gift' and the formalities of making a gift under Hindu and Christian Laws with relevant legal provisions. **(5 Marks)**
- b) What is the difference between gift and will? **(2 Marks)**
- c) Explain the law relating to 'Wills' under Hindu Law. **(3 Marks)**

6. Answer the following:

- a) Explain the categorization of properties under Hindu Law. **(8 Marks)**
 - b) Comment on the character of the property inherited by a male Hindu from his father, vis-à-vis his own sons. **(2 Marks)**
-

(1) Sharers	(2) Normal Share		(3) Conditions under which the normal share is inherited	(4) <i>This column sets out—</i> (A) Shares of Sharers Nos. 3, 4, 5, 8 and 12 as varied by special circumstances; (B) Conditions under which Sharers Nos. 1, 2, 7, 8, 11 and 12 succeed as Residuaries.
	of one	of two or more collectively (b)		
1. FATHER	1/6	..	When there is a child or child of a son h.l.s.	[When there is no child or child of a son h.l.s., the father inherits as a residuary: see Tab. of Res., No. 3.]
2. TRUE GRANDFATHER [sec 62 cl. (a)].	1/6	..	When there is a child or child of a son h.l.s. and no father or nearer true grandfather	[When there is no child or child of a son h.l.s., the Tr. G.F. inherits as a residuary, provided there is no father or nearer Tr. G.F. see Tab. of Res., No. 4.]
3. HUSBAND	1/4	..	When there is a child or child of a son h.l.s.	1/2 when no child or child of a son h.l.s.
4. WIFE (c)	1/8	1/8	When there is a child or child of a son h.l.s.	1/4 when no child or child of a son h.l.s.
5. MOTHER	1/6	..	(a) When there is a child or child of a son h.l.s., or (b) when there are two or more brothers or sisters, or even one brother and one sister, whether full consanguine or uterine.	1/3 when no child or child of a son h.l.s., and not more than one brother or sister (if any); but if there is also a wife or husband and the father, then only 1/3 of what remains after deducting the wife's or husband's share
6. TRUE GRANDMOTHER [sec 62, cl. (c)].	1/6	1/6	A. Maternal—when no mother, and no nearer true grandmother either paternal or maternal. B. Paternal—when no mother, no father, no nearer true grandmother either paternal or maternal, and no intermediate true grandfather.	
7. DAUGHTER	1/2	2/3	When no son.	[With the son she becomes a residuary: see Tab. of Res., No. 1.]
8. SON'S DAUGHTER h.l.s. [sec 62, cl. (f)]. e.g.	1/2	2/3	When no (1) son, (2) daughter, (3) higher son's son, (4) higher son's daughter, or (5) equal son's son. (d)	When there is only one daughter, or higher son's daughter but no (1) son, (2) higher son's son, or (3) equal son's son, the daughter or higher son's daughter will take 1/2 and the son's daughter h.l.s. (whether one or more) will take 1/6, i.e., 2/3—1/2] [With an equal son's son she becomes a residuary: see Tab. of Res., No. 2].
(i) Son's Daughter	1/2	2/3	When no (1) son, (2) daughter, or (3) son's son.	When there is only one daughter the son's daughter (whether one or more) will take 1/6, if there be no son or son's son. (With the son's son she becomes a residuary: see Tab. of Res., No. 2).
(ii) Son's Son's Daughter	1/2	2/3	When no (1) son, (2) daughter, (3) son's son, (4) son's daughter, or (5) son's son's son.	When there is only one daughter or son's daughter, the son's son's daughter (whether one or more) will take 1/6, if there be no (1) son, (2) son's son or (3) son's son's son: [With the son's son's son she becomes residuary: see Tab. of Res., No. 2.]
9. UTERINE BROTHER	1/6	1/3	When no (1) child, (2) child of a son h.l.s., (3) father of (4) true grandfather.	
10. or SISTER				
11. FULL SISTER	1/2	2/3	When no (1) child, (2) child of a son h.l.s., (3) father (4) true grandfather, or (5) full brother.	[With the full brother she becomes a residuary: see Tab. of Res., No. 5.]
12. CONSANGUINE SISTER	1/2	2/3	When no (1) child, (2) child of a son h.l.s., (3) father, (4) true grandfather, (5) full brother, (6) full sister, or (7) consanguine brother.	But if there is only one full sister and she succeeds as a sharer, the consanguine sister (whether one or more) will take 1/6, provided she is not otherwise excluded from inheritance. [With the consanguine brother she becomes a residuary: see Tab. of Res., No. 7.]

(b) The collective share is always divided *equally* among those to whom it is allotted.

(c) A Mahomedan can have as many as four wives at a time.

(d) If there be a *son's son* and a *son's son's daughter*, the former is a *higher son's son* in relation to the latter. If there be a *son's son* and a *son's daughter* the former is a *lower son's son* in relation to the latter. And if there be a *son's son* and *son's daughter* or a *son's son's daughter*, the former is in *equal son's son* in relation to the latter, both being equally removed from the deceased.

TABLE OF SHARERS—SHIA LAW [§90]

(Baillie, II, 271-276, 381.)

Sharers	Normal share		Conditions under which the share is inherited	Share as varied by special circumstances
	of one	of two or more collectively		
1. Husband	1/4	..	When there is a lineal descendant.	1/2 when no such descendant.
2. Wife	1/8	1/8	When there is a lineal descendant.	1/4 when no such descendant
3. Father ²	1/6	..	When there is a lineal descendant	[If there be no lineal descendant, the father inherits as a residuary.]
4. Mother	1/6	..	(a) When there is a lineal descendant; or (b) When there are two or more full or consanguine brothers, or one such brother and two such sisters, or four such sisters, with the father.	1/3 in other cases

Sharers	Normal share		Conditions under which the share is inherited	Share as varied by special circumstances
	of one	of two or more collectively		
5. Daughter	1/2	2/3	When no son	[With the son she takes as a residuary.]
6. Uterine brother	1/6	1/3	When no parent, or lineal descendant. (see §88)	
7. of sister				
8. Full sister	1/2	2/3	When no parent, or lineal descendant, or full brother, or father's father. (see §88, 101)	[The full sister takes as a residuary, with the full brother and also with the father's father. (see §101)]
9. Consanguine sister	1/2	2/3	When no parent, or lineal descendant, or full brother or sister, or consanguine brother or father's father. (see §88, 101)	[The consanguine sister takes as a residuary with the consanguine brother and also with the father's father. (see §101.)]

Note.—The descendants h.l.s. of sharers are also sharers. (§90)

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

CONSTITUTIONAL LAW-I

Time: 2½ Hours

Maximum Marks: 50

PART – A (25 Marks)

1. Answer any ONE briefly bringing out the relationship between: (5 Marks)

- (a) Constitutional Legitimacy and the Representative Character of the Constituent Assembly of India.
- (b) Article 13 and Retrospective Operation of the Fundamental Rights.
- (c) Citizenship Amendment Bill, 2016 and the Assam Accord.

2. Answer any ONE critically analyzing: (10 Marks)

- (a) Horizontal Application of Fundamental Rights.
- (b) Judiciary as the State under Article 12.

3. Answer ONE out of TWO: (10 Marks)

- a) How do you interpret the words 'only on the basis of' in Article 15(1)? Use case law and/or examples to illustrate the point.
- b) Does the 103rd Amendment's reservation for Economically Weaker Sections have an implication for the Basic Structure Doctrine? Answer with special focus on relevant case laws.

PART - B (25 Marks)

- 4. In the year 2022, a new government was formed in Indiana. The government was a coalition of several parties, as none of them had emerged from the elections with a clear majority. Differing policies and ideologies among the parties have led to a sluggish and fractured government. As a result, not only is the economy in recession, but talks of secession have also been strong among certain historically ostracised communities in the country, who felt to have been further ignored by their new government. The current state of affairs in Indiana has been strongly criticised in the Indiana press, in particular

by the National Indiana Line (NIL) - the oldest, most reputed newspaper in the country. The NIL owes its reputation for its fiery journalism during Indiana's struggle under colonial rule - leading the country to its independence in 1935.

In January 2023, the Government of Indiana publishes the Newsprint Regulation Act, 2023 (Newsprint Act) in order to regulate the allocation and use of newsprint seemingly owing to the reduced supply of newsprint since the recession. The Act created the Newsprint Regulation Board. The relevant sections of the Act are:

Section 2: Definitions

(n) 'Newspaper' means newspapers in the English language notified by the Newsprint Regulation Board under Section 5(1).

Section 5: Allocation of Newsprint

(1) The Newsprint Regulation Board shall have the power to notify newspapers to which this Act shall apply.

Provided that no newspaper having circulation less than 10,000 shall be notified under this section.

Section 7: Usage of Newsprint

(1) Newsprint shall be allocated in the following manner while printing a new paper.

(i) News: 70 percent of total allocated newsprint for one edition

(ii) Advertisement: 15 percent of total allocated newsprint for one edition

(iii) Opinion: 15 percent of total allocated newsprint for one edition

(2) Contravention of the provisions of sub-section (1) shall result in immediate cancellation of newsprint allocation.

The Board immediately notified NIL user Section 5(1).

The week after the Act came into force, NIL's Monday edition carried all its news pieces (70 percent of the paper) with the following heading "We strongly condemn the Government's blatant assault on the freedom of the press by enacting the Newsprint Act 2023. This heading shall be in place for all future editions till the Act is repealed." In the Editorial Section, Ms. Amani, the Editor in Chief, wrote a piece on the government's excesses stating that the Act was nothing more than 'a desperate attempt by a cornered, incompetent dictatorial

government to crush dissent and the right of separatist communities to define their own destinies’.

In response, the following actions were taken: (1) The Newsprint Regulation Board cancelled the allocation of newsprint to NIL under section 7(2) of the 2023 Act; (2) The Government of Indiana charged and detained Ms. Amani without a lawyer under Section 124A for sedition.

In exercise of its powers of investigation, the police raided the NIL’s office premises and uncovered several handwritten letters between Ms. Amani and the leader of several separatist movements - sympathising with their plight and offering advise on how to keep pressure on the government. To verify the letters, the investigative authorities asked Ms. Amani to write a note so they could compare the handwriting and decided to subject her to a lie detector test without her consent.

The National Indiana Line and Ms. Amani approach the Supreme Court under Article 32 of the Constitution. As the judge you must decide the following:

- (1) Preliminary issues of maintainability and *locus standi* under Articles 12 and 13.
 - (2) Whether the Newsprint Regulation Act, 2023 is violative of Article 14, 19 and 21 of the Constitution?
 - (3) Whether the detention and collection of Ms. Amani’s handwriting sample and Lie Detector Test results are constitutional under Article 21 and 20(3) of the Constitution?
 - (4) Whether 124A may be applicable to the case of Ms Amani?
 - (5) Relief, if any.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF CRIMES - I (INDIAN PENAL CODE)

Time: 2½ Hours

Maximum Marks: 50

Instruction: Support your answers with relevant provisions and cases

PART - A (2 X 10 = 20 Marks)

Answer any TWO of the following:

1. Distinguish between Culpable Homicide and Murder of the Indian Penal Code, 1860 (IPC) with the help of landmark cases. Also briefly discuss the exceptions to Section 300 of IPC.
2. In light of the recent amendments, evaluate the provisions of the Indian Penal Code, 1860 for the protection of women and children against sexual offences.
3. Examine the intra-territorial and extra-territorial applicability of the Indian Penal Code, 1860 with the help of case laws.
4. Explain the offences of hurt, grievous hurt and their aggravated forms. Distinguish between assault, criminal force and hurt.

PART - B (2 X 5 = 10 Marks)

Answer any TWO of the following:

5. Rupali and Anjuna are neighbours and often visit each other's house. Rupali is very fond of jewelry and had a box full of exotic ornaments in her room. Anjuna had been eyeing that box of jewelry for many days but never took it away for fear of being caught. One day, she decided to hide the jewelry box in such a place of Rupali's house where it is highly improbable for Rupali to find. Anjuna wants to wait till everyone forgets about the loss of the jewel box and thereafter sell it.

In light of the given facts, explain elaborately whether the act of Anjuna to hide the jewelry box amounts to any offence under the Indian Penal Code, 1860.

6. Mr. Gordo stayed in a bungalow with a beautiful garden of flowers and a fruit orchard. Mr. Gordo's neighbours used to frequently enter his bungalow's compound to pluck flowers and fruits. This was resented by Mr. Gordo. He communicated his resentment to his neighbours but they continued to enter and pluck flowers and fruits. Mr. Gordo therefore decided to place live wires carrying electricity in the entry point of the flower garden and the orchard and did not put any warning signal for the same. One day a ten-year-old girl Neeru tried to enter the fruit orchard and she got electrocuted and died.

In light of the given facts, explain elaborately whether Mr. Gordo can be held liable under the Indian Penal Code, 1860.

7. Mr. Riam is residing in Kolkata and doing garments business. He wants to expand his business by opening a showroom in Delhi. He appoints Siam as his agent and enters into an agreement with him that all sums remitted by Riam to Siam shall be invested by Siam as per Riam's direction for the development of the business in Delhi. Riam thereafter transfers Rs 5 lakh to Siam for the purpose of investment towards interior decoration of the showroom. However, Siam utilizes the amount in his own business going against the directions of Riam and purposefully keeping Riam in the dark about it.

In light of the given facts, explain elaborately whether Siam has committed any offence under the Indian Penal Code 1860.

PART - C (5 X 4 = 20 Marks)

8. Write short notes on any **FIVE**:

- a) Private Defence
 - b) Difference between Kidnapping and Abduction
 - c) Robbery and Dacoity
 - d) Dowry Death
 - e) Principles of Legality
 - f) Cheating
 - g) Impossible Attempts
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

LEGAL HISTORY

Time: 2½ Hours

Maximum Marks: 50

PART – A (10 X 1 = 10 Marks)

Answer ALL the questions:

Choose the Correct answer of the following:

1. The _____ law divided into *jus scriptum and jus non scriptum*.
 - a. Chinese law
 - b. Roman law
 - c. Code of Hammurabi
 - d. Code of Napoleon
2. Who among the following king of England granted a new Charter of 1661 to the Company in India?
 - a. Charles II
 - b. James I
 - c. Edward III
 - d. James II
3. Which among the Charter was responsible to establish a Municipal Corporation in Madras?
 - a. 1662
 - b. 1685
 - c. 1687
 - d. 1726
4. Name the judge appointed in the court of judicature at Bombay.
 - a. Aungier
 - b. Papillon
 - c. Wilcox
 - d. Oxenden

5. In 18th century *Faujudari* court in Calcutta was presided by
 - a. English Governor
 - b. *Diwan*
 - c. *Qazi*
 - d. English Collector
6. Circuit Court in Bengal was abolished by
 - a. Cornwallis
 - b. John Shore
 - c. William Bentinck
 - d. Amherst
7. Supreme Court established at Bombay in
 - a. 1800
 - b. 1803
 - c. 1813
 - d. 1823
8. For the first regular legal profession in India was created by
 - a. Warren Hastings
 - b. William Bentinck
 - c. Cornwallis
 - d. Macaulay
9. Which among the act provided for the establishment of an All India Federation?
 - a. Indian Council act of 1909
 - b. The Indian Council Act of 1892
 - c. Government of India Act of 1919
 - d. Government of India Act of 1935
10. The idea of residuary powers in Constitution borrowed from
 - a. US Constitution
 - b. England Constitution
 - c. Canadian Constitution
 - d. Irish Constitution

PART – B (5 X 4 = 20 Marks)

Answer any FIVE of the following questions in 120 words each:

11. Bring out the features of *Twelve Table*.
12. State the objectives and features of the Charter of 1600.
13. Write a short note on the role of *Adigari* in *Chaultry* court.
14. Give an account on the judicial reforms of 1670 in Bombay.
15. List out the merits and demerits of the Regulating Act of 1773.
16. Examine the establishment of Law Commission under the Charter of 1833.
17. Point out the salient features of Mountbatten Plan of 1947.
18. Define Preamble in Indian Constitution.

PART – C (2 X 10 = 20 Marks)

Answer any TWO of the following questions in detail:

19. Narrate the role of Henry Maine and Maitland towards the growth of Legal History through their writings.
 20. Sketch the conflict between Supreme Council and Supreme Court on the issue of Patna Case.
 21. Discuss the role of Cabinet Mission towards the framing of Indian Constitution.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

FINANCIAL SERVICES AND MARKETS

Time: 2½ Hours

Maximum Marks: 50

PART – A (5 X 3 = 15 Marks)

Answer any FIVE of the following questions:

1. Write short notes on Capital Market Instruments.
2. What is DIP?
3. Write short notes on:
 - (i) Over the counter Exchange of India (OTCEI).
 - (ii) Off- Balance Sheet Financing.
4. Write any two features of Credit Rating.
5. What is Instalment - credit System?
6. Write short notes on:
 - (i) Consumer Finance.
 - (ii) Leveraged Lease.
7. Write short notes on Gold ETF and Exit Load in Mutual fund?

PART - B (3 X 5 = 15 Marks)

Answer any THREE of the following questions:

8. Discuss the constituents of the Financial Services Sector.
9. Explain the Four tier management system of Mutual funds in India.
10. Explain the process of Securitisation.
11. Discuss the features of Credit Rating.
12. Outline the characteristics of Leasing.
13. Explain the different types of Underwriting.

PART – C (2 X 10 = 20 Marks)

Answer any TWO of the following questions:

14. Elaborate the Regulatory Framework of Financial Services.
 15. Outline the different stages of Venture Capital financing.
 16. Enumerate the various functions of Merchant Banking.
 17. Distinguish between Factoring and Forfaiting.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF CONTRACTS-II (SPECIAL PRINCIPLES OF CONTRACT)

Time: 2½ Hours

Maximum Marks: 50

PART - A (3 X 7 = 21 Marks)

Answer any THREE of the following problems:

1. Ganesh instructed his agent Mahesh expressly not to buy a particular land, but Mahesh purchased that for himself. The Principal later claimed the land by ratification. Is the action of the Principal in order?
2. Mahesh guarantees a debt by Ramesh to Suresh, the creditor on 20th October 2017. Two years has elapsed from the due date and Ramesh has till date not paid the debt and Suresh also has not taken any action for the recovery of the amount. Is Mahesh, the surety discharged from liability?
3. Mala was shopping in a self-service super market. She picked up a bottle of soft drink from a shelf. While she was examining it, the bottle exploded in her hand and injured her. She sued the manufacturer of the soft drink to recover damages for breach of condition arising from the sale of the soft drink. Decide.
4. Charles was a partner in a firm. The firm ordered goods in Charles lifetime, but delivered after his death. The supplier of the goods claimed to be paid out of Charles's estate. Advise Charles legal representatives.
5. Radha, Seetha and Sudha are partners in a registered firm. Sudha retires from the firm and Roopa had been taken in her place. But this fact is not notified to the Registrar of firms. Subsequently, Radha, Seetha and Roopa filed a suit for Rs. 10,000/- against Kala, a debtor to the firm. Will they succeed?

PART - B (3 X 7 = 21 Marks)

Answer any THREE questions. Answers to all the questions in this part must be in about 400 words:

6. "A contract of Agency may be terminated by either of the parties and also through operation of law". Explain this statement in the light of the grounds available for termination of an agency relationship.

7. Section 4 (1) of the Sale of Goods Act, 1930 defines a contract of sale of goods as 'a contract whereby the seller transfers or agrees to transfer the property in the goods for a price'. Analyze this section and bring out the legal consequences flowing from the two kinds of sale.
8. "The lien of an unpaid seller is in the nature of a distress. It may be defined as a right of retaining property until a debt due to the person retaining it has been paid". Elucidate this statement in relation to the special right of lien given to the unpaid vendor under the provisions of The Sale of Goods Act.
9. In COX v. HICKMAN Lord Crownworth held that participation in profits is not the decisive test of partnership. The true test is whether there is mutual agency among the members of the association. However, participation in profits, though not conclusive, is a cogent piece of evidence which must be given due weight in the light of other circumstances". Examine this statement in the matter of determination of a partnership form of business,
10. 'The law of partnership ensures registration of a Firm, though it is not compulsory'. Explain the meaning of this statement with special reference to Section 69 of the Partnership Act, 1932.

PART - C (4 X 2 = 8 Marks)

Answer any FOUR questions from this part, must be in about 50 words each:

11.

- a. Bailment and Pledge
 - b. Consideration in Guarantee
 - c. Rights of Finder of Goods
 - d. Rights of stoppage in transit
 - e. Surety's liability
 - f. Distinction between Partnership and Co-ownership
 - g. Features of an LLP
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

FAMILY LAW-II

Time: 2½ Hours

Maximum Marks: 50

Answer any FIVE in detail: (5 X 10 = 50 Marks)

1. Peter is an Indian Christian, who died intestate on 5th July, 2019, leaving behind his mother Mary, his brothers Xavier and Antony and his brother Parker's children. Parker died on 22nd September, 2018 due to heart attack, leaving behind his children, Alice and Alen. The family has decided to distribute the property of Peter.

Answer the following with relevant legal provisions:

- a) Who is an Indian Christian? (2 Marks)
 - b) What is the share of the property which will be provided to Peter's Mother? (2 Marks)
 - c) What is the proportion of share that Alice and Alen will receive? (3 Marks)
 - d) Will the shares of the heirs change if Peter's Father was alive? Comment on the gender equality in Christian Law in India. (3 Marks)
2. A Muslim dies leaving behind his father, mother, widow, daughter and a son's daughter. Calculate their respective shares when
 - a) The propositus is a Sunni Muslim (5 Marks)
 - b) The propositus is a Shia Muslim. (5 Marks)
 3. Karuna, a Hindu male governed by Mitakshara law died intestate as an undivided member of a Joint Hindu Family in the year 1980. He has left behind Joint family property and separate property. He is survived by his father, mother, a brother, his widow, two sons (of which one is a separated son) and an unmarried daughter. Calculate the share of each heir with respect to the Joint Family property and separate property. (10 Marks)

4. Answer the following:

- a) Critically comment on the concept of Stridhana and Dowry with the help of relevant legal provisions. State your opinion about Supreme Court's decision on *Pratibha Rani v. Suraj Kumar* AIR 1985 SC 628 **(5 Marks)**
- b) Comment on the legal recognition of Live-in relationship in India. With the help of relevant case laws, explain the property rights related to it. **(5 Marks)**

5. Answer the following:

- a) State the essentials of a valid 'gift' and the formalities of making a gift under Hindu and Christian Laws with relevant legal provisions. **(5 Marks)**
- b) What is the difference between gift and will? **(2 Marks)**
- c) Explain the law relating to 'Wills' under Hindu Law. **(3 Marks)**

6. Answer the following:

- a) Explain the categorization of properties under Hindu Law. **(8 Marks)**
 - b) Comment on the character of the property inherited by a male Hindu from his father, vis-à-vis his own sons. **(2 Marks)**
-

(1) Sharers	(2) Normal Share		(3) Conditions under which the normal share is inherited	(4) <i>This column sets out—</i> (A) Shares of Sharers Nos. 3, 4, 5, 8 and 12 as varied by special circumstances; (B) Conditions under which Sharers Nos. 1, 2, 7, 8, 11 and 12 succeed as Residuaries.
	of one	of two or more collectively (b)		
1. FATHER	1/6	..	When there is a child or child of a son h.l.s.	[When there is no child or child of a son h.l.s., the father inherits as a residuary: see Tab. of Res., No. 3.]
2. TRUE GRANDFATHER [sec 62 cl. (a)].	1/6	..	When there is a child or child of a son h.l.s. and no father or nearer true grandfather	[When there is no child or child of a son h.l.s., the Tr. G.F. inherits as a residuary, provided there is no father or nearer Tr. G.F.: see Tab. of Res., No. 4]
3. HUSBAND	1/4	..	When there is a child or child of a son h.l.s.	1/2 when no child or child of a son h.l.s.
4. WIFE (c)	1/8	1/8	When there is a child or child of a son h.l.s.	1/4 when no child or child of a son h.l.s.
5. MOTHER	1/6	..	(a) When there is a child or child of a son h.l.s.; or (b) when there are two or more brothers or sisters, or even one brother and one sister, whether full consanguine or uterine.	1/3, when no child or child of a son h.l.s., and not more than one brother or sister (if any); but if there is also a wife or husband and the father, then only 1/3 of what remains after deducting the wife's or husband's share
6. TRUE GRANDMOTHER [sec 62, cl. (c)].	1/6	1/6	A. Maternal—when no mother, and no nearer true grandmother either paternal or maternal. B. Paternal—when no mother, no father, no nearer true grandmother either paternal or maternal, and no intermediate true grandfather.	
7. DAUGHTER	1/2	2/3	When no son.	[With the son she becomes a residuary: see Tab. of Res., No. 1.]
8. SON'S DAUGHTER h.l.s [sec 62, cl. (f)]. e.g.	1/2	2/3	When no (1) son, (2), daughter, (3) higher son's son, (4) higher son's daughter, or (5) equal son's son. (d)	When there is only one daughter, or higher son's daughter but no (1) son, (2) higher son's son, or (3) equal son's son, the daughter or higher son's daughter will take 1/2 and the son's daughter h.l.s. (whether one or more) will take 1/6, i.e., 2/3—1/2 [With an equal son's son she becomes a residuary: see Tab. of Res., No. 2].
(i) Son's Daughter	1/2	2/3	When no (1) son, (2) daughter, or (3) son's son.	When there is only one daughter the son's daughter (whether one or more) will take 1/6, if there be no son or son's son. (With the son's son she becomes a residuary: see Tab. of Res., No. 2].
(ii) Son's Son's Daughter	1/2	2/3	When no (1) son, (2) daughter, (3) son's son, (4) son's daughter, or (5) son's son's.	When there is only one daughter or son's daughter, the son's son's daughter (whether one or more) will take 1/6, if there be no (1) son, (2) son's son or (3) son's son's son. [With the son's son's son she becomes residuary: see Tab. of Res., No. 2.]
9. UTERINE BROTHER	1/6	1/3	When no (1) child, (2) child of a son h.l.s., (3) father of (4) true grandfather.	
10. or SISTER				
11. FULL SISTER	1/2	2/3	When no (1) child, (2) child of a son h.l.s., (3) father, (4) true grandfather, or (5) full brother.	[With the full brother she becomes a residuary: see Tab. of Res., No. 5.]
12. CONSANGUINE SISTER	1/2	2/3	When no (1) child, (2) child of a son h.l.s., (3) father, (4) true grandfather, (5) full brother, (6) full sister, or (7) consanguine brother.	But if there is only one full sister and she succeeds as a sharer, the consanguine sister (whether one or more) will take 1/6, provided she is not otherwise excluded from inheritance. [With the consanguine brother she becomes a residuary: see Tab. of Res., No. 7.]

(b) The collective share is always divided *equally* among those to whom it is allotted.

(c) A Mahomedan can have as many as four wives at a time.

(d) If there be a *son's son* and a *son's son's daughter*, the former is a *higher son's son* in relation to the latter. If there be a *son's son* and a *son's daughter* the former is a *lower son's son* in relation to the latter. And if there be a *son's son* and *son's daughter* or a *son's son's daughter*, the former is in *equal son's son* in relation to the latter, both being equally removed from the deceased.

TABLE OF SHARERS—SHIA LAW [§90]

(Baillie, II, 271-276, 381.)

Sharers	Normal share		Conditions under which the share is inherited	Share as varied by special circumstances
	of one	of two or more collectively		
1. Husband	1/4	..	When there is a lineal descendant.	1/2 when no such descendant.
2. Wife	1/8	1/8	When there is a lineal descendant.	1/4 when no such descendant
3. Father ²	1/6	..	When there is a lineal descendant	[If there be no lineal descendant, the father inherits as a residuary.]
4. Mother	1/6	..	(a) When there is a lineal descendant; or (b) When there are two or more full or consanguine brothers, or one such brother and two such sisters, or four such sisters, with the father.	1/3 in other cases

Sharers	Normal share		Conditions under which the share is inherited	Share as varied by special circumstances
	of one	of two or more collectively		
5. Daughter	1/2	2/3	When no son	[With the son she takes as a residuary.]
6. Uterine brother	1/6	1/3	When no parent, or lineal descendant. (see §88)	
7. or sister				
8. Full sister	1/2	2/3	When no parent, or lineal descendant, or full brother, or father's father. (see §88, 101)	[The full sister takes as a residuary, with the full brother and also with the father's father. (see §101)
9. Consanguine sister	1/2	2/3	When no parent, or lineal descendant, or full brother or sister, or consanguine brother or father's father. (see §88, 101)	[The consanguine sister takes as a residuary with the consanguine brother and also with the father's father. (see §101.)

Note.—The descendants h.l.s. of sharers are also sharers. (§90)

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

CONSTITUTIONAL LAW-I

Time: 2½ Hours

Maximum Marks: 50

PART – A (25 Marks)

1. Answer any ONE briefly bringing out the relationship between: (5 Marks)

- (a) Constitutional Legitimacy and the Representative Character of the Constituent Assembly of India.
- (b) Article 13 and Retrospective Operation of the Fundamental Rights.
- (c) Citizenship Amendment Bill, 2016 and the Assam Accord.

2. Answer any ONE critically analyzing: (10 Marks)

- (a) Horizontal Application of Fundamental Rights.
- (b) Judiciary as the State under Article 12.

3. Answer ONE out of TWO: (10 Marks)

- a) How do you interpret the words 'only on the basis of' in Article 15(1)? Use case law and/or examples to illustrate the point.
- b) Does the 103rd Amendment's reservation for Economically Weaker Sections have an implication for the Basic Structure Doctrine? Answer with special focus on relevant case laws.

PART - B (25 Marks)

4. In the year 2022, a new government was formed in Indiana. The government was a coalition of several parties, as none of them had emerged from the elections with a clear majority. Differing policies and ideologies among the parties have led to a sluggish and fractured government. As a result, not only is the economy in recession, but talks of secession have also been strong among certain historically ostracised communities in the country, who felt to have been further ignored by their new government. The current state of affairs in Indiana has been strongly criticised in the Indiana press, in particular

by the National Indiana Line (NIL) - the oldest, most reputed newspaper in the country. The NIL owes its reputation for its fiery journalism during Indiana's struggle under colonial rule - leading the country to its independence in 1935.

In January 2023, the Government of Indiana publishes the Newsprint Regulation Act, 2023 (Newsprint Act) in order to regulate the allocation and use of newsprint seemingly owing to the reduced supply of newsprint since the recession. The Act created the Newsprint Regulation Board. The relevant sections of the Act are:

Section 2: Definitions

(n) 'Newspaper' means newspapers in the English language notified by the Newsprint Regulation Board under Section 5(1).

Section 5: Allocation of Newsprint

(1) The Newsprint Regulation Board shall have the power to notify newspapers to which this Act shall apply.

Provided that no newspaper having circulation less than 10,000 shall be notified under this section.

Section 7: Usage of Newsprint

(1) Newsprint shall be allocated in the following manner while printing a new paper.

- (i) News: 70 percent of total allocated newsprint for one edition
- (ii) Advertisement: 15 percent of total allocated newsprint for one edition
- (iii) Opinion: 15 percent of total allocated newsprint for one edition

(2) Contravention of the provisions of sub-section (1) shall result in immediate cancellation of newsprint allocation.

The Board immediately notified NIL user Section 5(1).

The week after the Act came into force, NIL's Monday edition carried all its news pieces (70 percent of the paper) with the following heading "We strongly condemn the Government's blatant assault on the freedom of the press by enacting the Newsprint Act 2023. This heading shall be in place for all future editions till the Act is repealed." In the Editorial Section, Ms. Amani, the Editor in Chief, wrote a piece on the government's excesses stating that the Act was nothing more than 'a desperate attempt by a cornered, incompetent dictatorial

government to crush dissent and the right of separatist communities to define their own destinies’.

In response, the following actions were taken: (1) The Newsprint Regulation Board cancelled the allocation of newsprint to NIL under section 7(2) of the 2023 Act; (2) The Government of Indiana charged and detained Ms. Amani without a lawyer under Section 124A for sedition.

In exercise of its powers of investigation, the police raided the NIL’s office premises and uncovered several handwritten letters between Ms. Amani and the leader of several separatist movements - sympathising with their plight and offering advise on how to keep pressure on the government. To verify the letters, the investigative authorities asked Ms. Amani to write a note so they could compare the handwriting and decided to subject her to a lie detector test without her consent.

The National Indiana Line and Ms. Amani approach the Supreme Court under Article 32 of the Constitution. As the judge you must decide the following:

- (1) Preliminary issues of maintainability and *locus standi* under Articles 12 and 13.
- (2) Whether the Newsprint Regulation Act, 2023 is violative of Article 14, 19 and 21 of the Constitution?
- (3) Whether the detention and collection of Ms. Amani’s handwriting sample and Lie Detector Test results are constitutional under Article 21 and 20(3) of the Constitution?
- (4) Whether 124A may be applicable to the case of Ms Amani?
- (5) Relief, if any.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF CRIMES - I (INDIAN PENAL CODE)

Time: 2½ Hours

Maximum Marks: 50

Instruction: Support your answers with relevant provisions and cases

PART - A (2 X 10 = 20 Marks)

Answer any TWO of the following:

1. Distinguish between Culpable Homicide and Murder of the Indian Penal Code, 1860 (IPC) with the help of landmark cases. Also briefly discuss the exceptions to Section 300 of IPC.
2. In light of the recent amendments, evaluate the provisions of the Indian Penal Code, 1860 for the protection of women and children against sexual offences.
3. Examine the intra-territorial and extra-territorial applicability of the Indian Penal Code, 1860 with the help of case laws.
4. Explain the offences of hurt, grievous hurt and their aggravated forms. Distinguish between assault, criminal force and hurt.

PART - B (2 X 5 = 10 Marks)

Answer any TWO of the following:

5. Rupali and Anjuna are neighbours and often visit each other's house. Rupali is very fond of jewelry and had a box full of exotic ornaments in her room. Anjuna had been eyeing that box of jewelry for many days but never took it away for fear of being caught. One day, she decided to hide the jewelry box in such a place of Rupali's house where it is highly improbable for Rupali to find. Anjuna wants to wait till everyone forgets about the loss of the jewel box and thereafter sell it.

In light of the given facts, explain elaborately whether the act of Anjuna to hide the jewelry box amounts to any offence under the Indian Penal Code, 1860.

6. Mr. Gordo stayed in a bungalow with a beautiful garden of flowers and a fruit orchard. Mr. Gordo's neighbours used to frequently enter his bungalow's compound to pluck flowers and fruits. This was resented by Mr. Gordo. He communicated his resentment to his neighbours but they continued to enter and pluck flowers and fruits. Mr. Gordo therefore decided to place live wires carrying electricity in the entry point of the flower garden and the orchard and did not put any warning signal for the same. One day a ten-year-old girl Neeru tried to enter the fruit orchard and she got electrocuted and died.

In light of the given facts, explain elaborately whether Mr. Gordo can be held liable under the Indian Penal Code, 1860.

7. Mr. Riam is residing in Kolkata and doing garments business. He wants to expand his business by opening a showroom in Delhi. He appoints Siam as his agent and enters into an agreement with him that all sums remitted by Riam to Siam shall be invested by Siam as per Riam's direction for the development of the business in Delhi. Riam thereafter transfers Rs 5 lakh to Siam for the purpose of investment towards interior decoration of the showroom. However, Siam utilizes the amount in his own business going against the directions of Riam and purposefully keeping Riam in the dark about it.

In light of the given facts, explain elaborately whether Siam has committed any offence under the Indian Penal Code 1860.

PART - C (5 X 4 = 20 Marks)

8. Write short notes on any **FIVE**:

- a) Private Defence
 - b) Difference between Kidnapping and Abduction
 - c) Robbery and Dacoity
 - d) Dowry Death
 - e) Principles of Legality
 - f) Cheating
 - g) Impossible Attempts
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

HISTORY-III (LEGAL HISTORY OF TAMIL NADU)

Time: 2½ Hours

Maximum Marks: 50

PART – A (5 X 2 = 10 Marks)

Answer ALL the questions:

Write very short answers of the following:

1. Contributions of Nilakanda Sastri on South Indian Histoigraphy.
2. Write the literary meanings of the following:
 - a. *Silappathikaram*
 - b. *Ettuthogai*
 - c. *Pathuppattu*
 - d. *Pathinenkilkanakku*
3. Write the role of temples during the later Pandyas as attested by epigraphic.
4. Name the foreign travellers and historians who gives vivid information on Vijayanagar Empire.
5. Point out any four types of punishment inflicted on Indians by the French *Choultry* Court in Pondicherry.

PART – B (5 X 4 = 20 Marks)

Answer any FIVE of the following questions in 80 words each:

6. Bring out the approaches and contributions of K.M. Panikar.
7. Define Mandram and Pothu Ill.
8. State the different types of evidences during the Sangam Age.
9. Examine the role of Nagarathar as a land lord in ancient Thamalakam.
10. Role of Adigar in English Choultry court at Madras settlement.
11. Bring out the provisions of the decree of Portuguese lower court at Goa.
12. Distinguish French Judicial system in Pondicherry and English Judicial system at Madras in 18th century.

PART – C (2 X 10 = 20 Marks)

Answer any TWO of the following questions in detail:

13. Sketch the judicial institutions, jurisdictions and court procedures during the Sangam Age.
 14. Through light on the court of justice and judicial procedures under the Vijayanagar Empire.
 15. Describe the evolution of formal judicial system during Portuguese period in Goa.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

CORPORATE LAWS-I

Time: 2½ Hours

Maximum Marks: 50

PART – A (3 X 10 = 30 Marks)

Answer ALL the questions:

1. (a) Mr. Voldemort, the Managing Director of Hogwarts 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. Voldemort 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. The Applicants contended that even though the Mr. Voldemort 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. Voldemort. It was these henchmen who convinced the shareholders owning 6% of the issued share capital to withdraw the Application. Decide. (5 Marks)

(b) Identify and Differentiate between the powers of NCLT in Civil and Criminal cases. (5 Marks)

2. (a) Mr. Spiderman applied for shares in M/s Avengers Ltd. An application was made in December 2018. Mr. Spiderman had not heard from the company till September 2016, when he received the letter of acceptance. Mr. Spiderman refused to take the shares and pay the amount due on them. But Avengers Ltd., filed a suit against him for breach of contract. Is Mr. Spiderman liable to pay the amount? (5 Marks)

(b) Membership of a company is open to any person who is competent to enter into a valid contract. Explain the legal position of a Minor as a Member and list out various modes of acquisition of Membership. (5 Marks)

3. (a) Board of Directors of Thanos Ltd., decides to go for an issue of secured debentures of Rs. 100 each at a discount of Rs. 80 which are to be redeemed after 15 years. Ms.Nebula was one of the Promoters of Thanos Ltd. Ms.Gamora, Nebula's Sister was appointed as the Debenture Trustee and was appointed only after the prospectus for the same was issued. The trust deed exempted her from any liability for breach of Trust. Even though Ms.Gamora knew that the activities of the Company resulted in funds becoming insufficient for the repayment of principle, she kept quiet when the company took another loan for its business.

Identify five anomalies/irregularities in this entire fact scenario with appropriate reasons and legal authority backing your argument. (5 Marks)

(b) Explain in brief the procedure for Private Placement by a Public Company. (5 Marks)

PART – B (2 X 10 = 20 Marks)

Answer any TWO of the following Questions:

4. Memorandum of Association (MoA) and Article of Association (AoA) is the basic document which governs the power and function of the company. In light of the above statement discuss the importance of various clauses under the MoA of the Company.

If a company undertakes to do anything which is not either expressly or impliedly provided for by the object's clause, what would be the consequences? Also, discuss the relevance of doctrine of ultra vires in India and UK. (10 Marks)

Discuss to the extent to which the articles of the company bind:

- a) The members of the company,
- b) The company to the members,
- c) The members among themselves, and
- d) The company to the outsiders.

5. Corporate liability determines the extent to which a corporation as a legal person can be liable for the acts and omissions of the natural persons it employs.

In light of the above statement discuss the contractual, tortious and criminal liability primary decision-making body and liability of employee and agent in a company along with primary rules, general and special rules of attribution which is applicable to different organs of the company. (10 Marks)

6. Meaning and its significance of share capital in the memorandum of a company. How can a company alter its share capital? What is the procedure and restriction of reduction of share capital and purchase of its own securities by a company? (10 Marks)

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

LABOUR LAW-I

Time: 2½ Hours

Maximum Marks: 50

PART-A (4 X 10 = 40 Marks)

Answer any FOUR of the following questions:

1. Write Notes on the following (2 X 5 = 10 Marks)

- a. Distinction between the Conciliation Officer and the Board of Conciliation under the Industrial Disputes Act, 1947.
- b. Distinction between Lock-out and Closure under the Industrial Disputes Act, 1947.

2.

- a. *"The test for a trade union is its object, and not its personnel. But that does not imply that persons who are not workmen in an "industry" can form a Trade Union at all."* In light of this statement, comment and analyse the criteria for forming a Trade Union with the help of relevant case laws. **(7 Marks)**
- b. Briefly discuss the Mode of Registration of the Trade Union under the Act of 1926. Answer the question citing the relevant amendments, if applicable. **(3 Marks)**

3.

- a. Examine the phrase "arising out of and in the course of employment" under *Section 3* of the Employees' Compensation Act, 1923 with the help of relevant cases. **(4 Marks)**
- b. Discuss the principle of *Notional Extension of Time and Space* with the help of one relevant case. **(3 Marks)**

- c. From your understanding of the objectives of the Employees' Compensation Act and its provisions, explain whether an injured Employee during a course of a legal strike under the Industrial Disputes Act, 1947, entitled to claim compensation under the Act of 1923. **(3 Marks)**
- 4.
- a. Examine the nature and scope of power of the Certifying Officer in certifying the draft Standing Orders under Employment (Standing Orders) Act, 1946. Answer the question citing the relevant provisions of the Act and case laws, if applicable. **(6 Marks)**
- b. Briefly discuss (preferably in points) the conditions for modification of Standing Orders under Section 10 of the Employment (Standing Orders) Act, 1946. Answer the question with the help of one relevant Supreme Court Judgement. **(4 Marks)**
- 5.
- a. Examine with reference to the cases, the criteria laid down by the Courts for determining the relationship between the Master and the Servant under the Industrial Disputes Act. **(5 Marks)**
- b. Define the term *Collective Bargaining*. Enumerate the subject matter of Collective Bargaining laid down by the International Labour Organisation. **(5 Marks)**

PART-B (1 X 10 = 10 Marks)

[Compulsory Question]

6. There was a dispute between the Management of ABC & Co (A Private Enterprise) and its employees of the registered trade union. The Employees of the management made certain demands with respect to their wages, basic pay and dearness allowance on 21.10.19. The said proposed demands was not acceptable to the management and the same was refused. On the account, the Employees went on a strike on 23.10.19. During the course of the strike, the Employees held a series of demonstrations and raised slogans about their unfulfilled demands. Such activities led to a serious disruption in the Management's daily affairs. The Management issued a notice dated 25.10.19 notifying and requesting the Employees to stop the strike and resume their works at their respective departments. There were two subsequent notices stating the same on 28.10.19 and 31.10.19. However, in spite of such notices being issued, the strike continued without any form of disruption.

As a result, the Management issued the following notice on 4th November, 2019:

Further to our notices dated 25.10.19, 28.10.19 and 31.10.19, the workers who are not attending work since 23.10.19, in spite of several requests to resume work, are hereby advised that their names are removed from the Muster as from 2 p.m. today (4th November, 2019) as their having left our services of their own accord. Arrangements have been made to fill up the vacancies occurring as a result of desertion of workers from their places of duty. Arrangements will be made to make payment of their dues, if any."

The strike was called off on 8th November, 2019. A number of employees could not be taken back as their vacancies had been filled up. A number of Employees sought for a remedy before the authority under the Payment of Wages Act, 1972. However, the said application was rejected by the respective authority. As a result, the employees of the Union moved to the High Court under Art. 226 of the Constitution challenging the act of the management. A writ was filed challenging the act of the management as arbitrary on the basis of their *Certified Standing Order*. The section is quoted below for your reference:

Standing Order 25(1) is provided as follows:

"The employment of permanent employees on monthly rates of pay may be terminated by giving one month's notice or on payment of one month's wages (including all allowances) in lieu of notice.

In light of the aforementioned proposition, as a student of Labour Law-1 answer the following questions:

1. Explain the legal issues that can be raised in the proposition under the Industrial Disputes Act, 1947.
2. Whether the strike is justified or unjustified in the current proposition.
3. Examine whether the act of removing the names of Employees from the Muster roll was justified and available relief to the aggrieved employees, if applicable.
4. Examine the maintainability of writ petition against a *Private Enterprise* filed before the High Court.

Answer the question with relevant case laws wherever necessary.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

PUBLIC INTERNATIONAL LAW

Time: 2½ Hours

Maximum Marks: 50

PART – A (4 X 10 = 40 Marks)

Answer any FOUR of the following questions:

1. a) Explain the evolution of concept of 'High Seas' in International Law through relevant international convention. What are all the freedoms that are available in the High Seas? (4 Marks)
- b) A ship belonging to State 'X' is suspected to be carrying Slaves in it. The ship has also violated the domestic laws of State 'Y' in the territorial waters of State 'Y'. The ship is moving from territorial waters towards the High Seas. The Government of State 'Y' has made efforts to provide signals to stop the ship, but the ship has not stopped. Does the Government of State 'Y' have any right to seize the ship? Is there any limitation to the rights of the Government of State 'Y' in this regard? (6 Marks)
2. Ken is a citizen of State Nimaz, who is running a private educational institution. The institution admits only male candidates and does not allow any other gender to be admitted in the institution. There were numerous criticisms that the institute faced because of such discrimination. Ken is very strong in his opinion and he publicly stated that 'State is a guarantor of Human Rights and not private individuals/institutions. Hence, there is no obligation on the part of the institute to follow principle of non-discrimination'.

Answer the following questions: (4 + 6 = 10 Marks)

- a) Does Ken's statement constitute a breach of human rights? Explain from a legal standpoint.
- b) Critically analyse the status of International Human Rights Law at present. Explain various criticisms that are globally stated on the current system of Human Rights Law.

3. The Permanent Court of Arbitration (PCA) is the byproduct of 1899 Hague Convention on the Pacific settlement of international disputes and it institutionalized the dispute settlement process. In the light of this: **(5 + 5 = 10 Marks)**
 - a. Examine the PCA's efficacy both in law and practice through decided cases;
 - b. Chapter VII of the UN charter legitimises use of force as a means of dispute settlement. Discuss, through examples, *intervention* as a legitimate instrument of dispute resolution in international law.
4. Discuss the legitimate use of the right of self-defence by a state under Article 51 of the U.N. Charter. Examine the debate, in the contemporary international context whether the Article 51 of the U.N. Charter can justify the possible US attack on North Korea? **(10 Marks)**
5. On 8 July 1991 the State of Qatar filed in the Registry of the ICJ an Application instituting proceedings against the State of Bahrain in respect of certain disputes between the two States relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States. It may be recalled that in its Application Qatar founded the jurisdiction of the Court upon two agreements between the Parties stated to have been concluded in December 1987 and December 1990 respectively. The question in the present case is whether the "1987 Agreement" or the "1990 Agreement" are of the nature of "treaties and conventions" for creating rights and obligations to the Parties. Discuss. **(10 Marks)**

PART – B (2 X 5 = 10 Marks)

Answer any TWO of the following questions:

6. Critically comment on the International Law on State Responsibility. What are the effects of Breach of International Obligation?
 7. In the global context, there is an increase in the number of Stateless people and Refugees. What do you think as a reason behind the causes of Statelessness? Also explain *De Jure* and *De Facto* Statelessness.
 8. Notwithstanding Article 7 of the United Nations Charter. The Security Council is regarded as the Principal Organ in the United Nations in comparison to other Organs. Critically evaluate the contribution of United Nations Security Council in the maintenance of International Peace and Security.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year – Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF EVIDENCE

Time: 2½ Hours

Maximum Marks: 50

Instructions:

1. Cite **RELEVANT** Section(s), Clause(s), Explanation(s), Illustration(s), Case Law(s), if any.
 2. Follow **IRAC Method** Wherever Applicable.
-

Answer any FIVE of the following questions (5 X 10 = 50 Marks):

1.

- A. What are **Privileged Communications** under the Indian Evidence Act, 1872? (5 Marks)
- B. 'A', a Client said to 'B', an Advocate, "I have killed 'C'. I request you to defend me". Is this a **Privileged Communication**? Decide. (5 Marks)

2. Who may testify as a **Witness**? Write a **Short Note** on the *Protection of Witnesses* with reference to the **Indian Evidence Act, 1872**. (10 Marks)

3.

- A. What is **Promissory Estoppel**? Distinguish between **Estoppel** and **Presumption**? (5 Marks)
- B. 'A', intentionally and falsely leads 'B' to believe that a certain bungalow belongs to 'A', and thereby induces 'B' to buy and pay for it. The bungalow afterwards becomes the property of 'A'. Now, 'A' seeks to set aside the 'Sale' on the ground that, at the time of **Sale**, he had no **Title**. Decide. (5 Marks)

4.

- A. What is a **Leading Question**? Distinguish between **Relevancy** and **Admissibility of Evidence**? (5 Marks)
- B. What is **Re-Examination**? Distinguish between **Examination-in-Chief** and **Cross-Examination**? (5 Marks)

5.

- A. Distinguish between **Direct Evidence** and **Hearsay Evidence**. (5 Marks)
- B. What are **Private Documents**? (5 Marks)

6. *Can a Witness be Excused from Answering ANY Question upon the Ground that the Answer to SUCH Question will Criminate SUCH Witness?* (10 Marks)

Name :

Register No.:

--	--	--	--	--	--	--	--	--	--

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year – Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF DIRECT TAXATION

Time: 2½ Hours

Maximum Marks: 50

PART – A (25 Marks)

Answer ALL the questions:

1. During the year 2018-19, Mr. Subburathinam, A foreign citizen, stayed in India for just 69 days. Determine his residential status for the assessment year 2019-20 on the basis of the following information:

- (a) During 2015-16, Mr. Subburathinam was present in India for 366 days.
- (b) During 2012-13 and 2011-12, Mr. Subburathinam was in Japan for 359 and 348 days respectively and for the balance period in India.

Mr. Subburathinam has the following receipts from his employer:

- (1) Salary from M/s Super Technology Rs. 60,000 per month and same 25% of salary received as dearness allowances.
- (2) He is in receipt of HRA Rs. 15,000 Per month.
- (3) He received Travelling allowances as Rs. 5000 Per months
- (4) He received commuted pension Rs. 5,00,000
- (5) He received Gratuity Rs. 2,00,000
- (6) Assessee has received Rs. 2,00,000 income from Trichy house property in relevant assessment year.

Expenses / Payments:

- (1) Rent paid for Residence is Rs. 20,000 Per month.
- (2) Medical Insurance Premium for his mother and children is Rs: 1,00,000 Per Year.
- (3) He Donated Rs.1,00,000 to political party (Payment 60% as cash and remaining as Cheque)

Note:

- He is residing in Trichy and aged about 80 years old.
- Assessee company is ABC private limited and Payment of Gratuity Act, 1972 applicable.
- Assessee worked as employee for the past 30 years.
- Assessee has two house properties. One house in Trichy and another one house in Madurai. Due to Vacancy and Interest on housing loan, Madurai house meet into loss of Rs. 3,00,000.

Determine residential status, the taxable income and tax liability for Assessment year: 2019-20 with justifiable answers?

(15 Marks)

2. Mr. Murugan purchased a house property in Madurai on 1/5/2002. Cost of acquisition is Rs. 1,00,000. It was compulsorily acquired by the Government on 25/12/2017 and compensation determined as 6, 00,000. Compensation paid by Government Rs. 6,00,000 on 1/4/2018.

Mr. Murugan filed an appeal in Madurai Bench of Madras High Court on 1/5/2018. High Court increase the compensation from Rs. 6,00,000 to 9,30,000 by its order dated 25/1/2019. The legal expenses incurred by Mr. Murugan is Rs. 10,000. But, Government files an appeal in the Supreme Court against the order of Madurai Bench of Madras High Court.

The Supreme Court reduces the quantum of compensation from Rs. 9,30,000 to 7,50,000 by its judgement dated 20th March, 2019. Government has given additional compensation Rs.1,50,000 to Mr. Murugan on 25th March, 2019. Legal expenditure by Mr. Murugan in Supreme Court is Rs. 25,000.

Mr. Murugan has occurred loss from short capital gain Rs. 5,00,000/- and received some income from house property as 3,00,000.

Compute capital gains and tax liability for Assessment year: 2019-2020.

(10 Marks)

PART – B (25 Marks)

3. Mr. Yondu ('the Assessee') had filed his return of Income. The Assessing Officer decides to go for an inquiry before assessment. However, Mr. Yondu, failed to produce such documents as requested through notice.
- (a) In this case, what powers does the Incomer Tax authorities have? **(5 Marks)**
- (b) If Mr. Yondu failed to claim deductions, what course of action can he initiate? **(2 Marks)**

- (c) If the Assessment Officer feels that certain income of Mr. Yondu has escaped assessment, what are the steps that can be taken by the Assessing Officer?
(3 Marks)
4. Jadoo, is a corporation registered in the United Kingdom, has planned to invest in India. Jadoo decides to incorporate a Shell company called Alien in Mauritius to make investments in India. This was done to avail the benefit of the Indo Mauritius Double Taxation Avoidance Agreement, since profits made by Mauritian Companies are taxed in Mauritius and not in India.
- (a) What is the term used for the actions of Jadoo? How is it different from Tax planning? **(2 Marks)**
- (b) What prevails in case of a conflict between the provisions of a Double Taxation Avoidance Agreement and the Indian Income Tax Act, 1961?
(2 Marks)
- (c) If any litigation raised that the treaty has reduced the revenue to India. Decide the same based on Westminster Principle, McDowells and Azadi Bachao Andolan Judgments. **(6 Marks)**
5. Explain the concept of General Anti Avoidance Rules. **(5 Marks)**
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

CORPORATE ACCOUNTING

Time: 2½ Hours

Maximum Marks: 50

PART – A (10 X 1 = 10 Marks)

Answer ALL the following questions:

1. Share Application Account is a _____
2. Capital Reserve can be used for _____
3. Deferred tax assets are shown under the head _____ in the Balance sheet of a company
4. The Balance sheet of a joint stock company is prepared in the form given in the _____
5. From accounting point of view there are _____ types of amalgamation as per AS-14
6. Liquidation expenses of a vendor company agreed to be paid by a purchasing company are debited to _____ by the purchasing company
7. Profit of the subsidiary company made after the date of purchase of shares by the holding company is treated as _____
8. Banks are required to transfer _____ of their profits to Statutory Reserve.
9. In case of marine insurance, provision against unexpired risk should be _____
10. The item surrender value is related to _____ insurance business.

PART – B (2 X 5 = 10 Marks)

Answer any TWO from the followings:

11. Explain in brief of various methods of redemption of debentures citing relevant legal provisions available for redemption of debentures.
12. What is goodwill? How is it generally valued? Explain and illustrate at least three important methods for its valuation.

13. Prepare (with imaginary figures) Revenue account and Balance sheet of a Life Insurance Company.

PART – C (3 X 10 = 30 Marks)

Answer any **THREE** from the followings:

14. The following balances have been extracted from the books of Green Limited as on 31.3.2019:

Debit	Rs.	Credit	Rs.
Plant & Machinery	3,00,000	Income from Investment (net)	4,000
Land & Buildings	2,75,000	Provision for bad and doubtful debts	2,000
Furniture & Fittings	35,000	Creditors	3,00,000
Debtors	2,50,000	Provision for Depreciation on 1.4.2018:	
Stock (31.3.2019)	80,000	Land & Building	15,000
Cash at Bank	15,000	Furniture & Fittings	6,000
Cash in Hand	10,000	Plant & Machinery	18,000
Cost of goods sold	4,00,000	Equity share Capital	5,00,000
Salaries	38,000	9% Cumulative preferences shares of Rs.100 each	1,00,000
wages	10,000	Securities Premium Reserve	10,000
Other Expenses	18,000	Bank Overdraft	1,52,500
Investments in Debentures	2,00,000	Sales	5,42,000
Interest	8,000	Surplus Account on 1.4.2018	3,500
Bad debts	5,000		
Repairs	1,000		
Advance Payment of Income tax	8,000		
	16,53,000		16,53,000

Following particulars may be taken into account:

1. Provision for Taxation is to be made at 50%
2. Depreciation is to be charged on written down value on building @2% and on furniture at 10% p.a and 5 % on Plant & Machinery
3. Dividend on preference shares was in arrears for 5 years up 31st March, 2019. The Directors decided to pay the dividend for two years.

15. A summarized Balance sheet of X Ltd. & Y Ltd. on 31.12.2018.

Liabilities	X Ltd.	Y Ltd.	Asset	X Ltd.	Y Ltd.
Equity share Capital Rs. 100 each	2,50,000	1,00,000	Machinery	1,20,000	54,700
General Reserve	1,20,000	60,000	Buildings	75,000	90,000
Profit & Loss Account	28,600	18,000	Investment in Y Ltd	1,70,000	-
Bank Over Draft	50,000	4,200	Stock	70,000	18,000
Bills payable	-	4,500	Debtors	22,000	20,000
Creditors	23,550	-	Bills receivable	7,900	-
			Bank	7,250	4,000
	4,72,150	1,86,700		4,72,150	1,86,700

X Ltd. purchased 800 equity shares of Y Ltd on 1.4.2018. Prepare a consolidated Balance sheet as on 31.12.2018 after considering the following adjustments:

- (i) The Bills payable of X Ltd. includes Rs.1, 500 due to Y Ltd.
- (ii) The value of building of Y Ltd is increased by Rs.10, 000 and Machinery of Y Ltd. is decreased by Rs. 5000.

16. The following is the balance sheet M Ltd. and N Ltd. as on 31.3.2016:

Liabilities	M Ltd.	N Ltd.	Asset	M Ltd.	N Ltd.
Equity Share Capital at Rs. 25 each	75,000	50,000	Goodwill	30,000	-
Profit & Loss Account	7,500	2,500	Fixed Assets	31,500	38,800
Creditors	3,500	3,500	Stock	15,000	12,000
Bills Payable	-	2,500	Debtors	8,000	5,200
			Bank Balance	1,500	2,500
	86,000	58,500		86,000	58,500

The M Ltd and N Ltd has decided to amalgamate their business into new company MN Ltd. as on 31.3.2016 as per followings:

- i) The assets & Liabilities of M Ltd. and N Ltd. are to be taken over by a new company called MN Ltd. at followings:

M Ltd:

- a. The fixed assets are to be taken at Rs.34,000
- b. The stock value will be decreased to Rs.14,000
- c. Other Assets and liabilities are to be taken at book value

N Ltd.

- a. The fixed assets are to be taken at Rs.38,000
- b. Stock value will be increased by Rs. 1,000
- c. Other assets and liabilities are to be taken at book value

- ii) The purchase consideration of these two companies will be satisfied by equity shares of MN Ltd.

Pass the journal entries in the books of M Ltd and N Ltd.

17. From the following trial balance as on 31st March, 2018, prepare final accounts of LCO Bank Ltd.

Debit	Rs. (in 000)	Credit	Rs. (in 000)
Cash Balance	200	Interest on Advances	800
Balances with Other Banks	400	Interest from Investments	125
Cash with RBI	100	Commission, Exchange & Brokerage	200
Investments in Govt. Securities	300	Profit on Sale of Investments	20
Other Approved Securities	100	Other Revenue Receipts	80
Bills purchased and Discounted	250	Share Capital	2,000
Cash credits, overdrafts and Demand Loans	1,425	Statutory Reserves	900
Term Loans	1,275	Profit & Loss Account	650
Premises (Net)	1,375	Fixed Deposits	275
Furniture	250	Savings Deposits	325
Interest paid	120	Current Accounts	125
Salary	75	Borrowings from Other Banks	300
Printing & Stationery	35	Borrowings from RBI	100
Postage & Telegram	20	Bills Payable (Net)	25
Repairs	25	Interest Accrued	75
Interest Accrued	50		
	6,000		6,000
Bills for Collection	235		

Additional Information:

1. Salary Outstanding Rs. 5,000
2. Depreciate the furniture by 10% p.a.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

CORPORATE LAWS-I

Time: 2½ Hours

Maximum Marks: 50

PART – A (3 X 10 = 30 Marks)

Answer ALL the questions:

1. (a) Mr. Voldemort, the Managing Director of Hogwarts 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. Voldemort 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. The Applicants contended that even though the Mr. Voldemort 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. Voldemort. It was these henchmen who convinced the shareholders owning 6% of the issued share capital to withdraw the Application. Decide. (5 Marks)

(b) Identify and Differentiate between the powers of NCLT in Civil and Criminal cases. (5 Marks)

2. (a) Mr. Spiderman applied for shares in M/s Avengers Ltd. An application was made in December 2018. Mr. Spiderman had not heard from the company till September 2016, when he received the letter of acceptance. Mr. Spiderman refused to take the shares and pay the amount due on them. But Avengers Ltd., filed a suit against him for breach of contract. Is Mr. Spiderman liable to pay the amount? (5 Marks)

(b) Membership of a company is open to any person who is competent to enter into a valid contract. Explain the legal position of a Minor as a Member and list out various modes of acquisition of Membership. (5 Marks)

3. (a) Board of Directors of Thanos Ltd., decides to go for an issue of secured debentures of Rs. 100 each at a discount of Rs. 80 which are to be redeemed after 15 years. Ms.Nebula was one of the Promoters of Thanos Ltd. Ms.Gamora, Nebula's Sister was appointed as the Debenture Trustee and was appointed only after the prospectus for the same was issued. The trust deed exempted her from any liability for breach of Trust. Even though Ms.Gamora knew that the activities of the Company resulted in funds becoming insufficient for the repayment of principle, she kept quiet when the company took another loan for its business.

Identify five anomalies/irregularities in this entire fact scenario with appropriate reasons and legal authority backing your argument. (5 Marks)

(b) Explain in brief the procedure for Private Placement by a Public Company. (5 Marks)

PART – B (2 X 10 = 20 Marks)

Answer any TWO of the following Questions:

4. Memorandum of Association (MoA) and Article of Association (AoA) is the basic document which governs the power and function of the company. In light of the above statement discuss the importance of various clauses under the MoA of the Company.

If a company undertakes to do anything which is not either expressly or impliedly provided for by the object's clause, what would be the consequences? Also, discuss the relevance of doctrine of ultra vires in India and UK. (10 Marks)

Discuss to the extent to which the articles of the company bind:

- a) The members of the company,
- b) The company to the members,
- c) The members among themselves, and
- d) The company to the outsiders.

5. Corporate liability determines the extent to which a corporation as a legal person can be liable for the acts and omissions of the natural persons it employs.

In light of the above statement discuss the contractual, tortious and criminal liability primary decision-making body and liability of employee and agent in a company along with primary rules, general and special rules of attribution which is applicable to different organs of the company. (10 Marks)

6. Meaning and its significance of share capital in the memorandum of a company. How can a company alter its share capital? What is the procedure and restriction of reduction of share capital and purchase of its own securities by a company? (10 Marks)

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

LABOUR LAW-I

Time: 2½ Hours

Maximum Marks: 50

PART-A (4 X 10 = 40 Marks)

Answer any FOUR of the following questions:

1. Write Notes on the following (2 X 5 = 10 Marks)

- a. Distinction between the Conciliation Officer and the Board of Conciliation under the Industrial Disputes Act, 1947.
- b. Distinction between Lock-out and Closure under the Industrial Disputes Act, 1947.

2.

- a. *"The test for a trade union is its object, and not its personnel. But that does not imply that persons who are not workmen in an "industry" can form a Trade Union at all."* In light of this statement, comment and analyse the criteria for forming a Trade Union with the help of relevant case laws. **(7 Marks)**
- b. Briefly discuss the Mode of Registration of the Trade Union under the Act of 1926. Answer the question citing the relevant amendments, if applicable. **(3 Marks)**

3.

- a. Examine the phrase "arising out of and in the course of employment" under *Section 3* of the Employees' Compensation Act, 1923 with the help of relevant cases. **(4 Marks)**
- b. Discuss the principle of *Notional Extension of Time and Space* with the help of one relevant case. **(3 Marks)**

- c. From your understanding of the objectives of the Employees' Compensation Act and its provisions, explain whether an injured Employee during a course of a legal strike under the Industrial Disputes Act, 1947, entitled to claim compensation under the Act of 1923. **(3 Marks)**
- 4.
- a. Examine the nature and scope of power of the Certifying Officer in certifying the draft Standing Orders under Employment (Standing Orders) Act, 1946. Answer the question citing the relevant provisions of the Act and case laws, if applicable. **(6 Marks)**
- b. Briefly discuss (preferably in points) the conditions for modification of Standing Orders under Section 10 of the Employment (Standing Orders) Act, 1946. Answer the question with the help of one relevant Supreme Court Judgement. **(4 Marks)**
- 5.
- a. Examine with reference to the cases, the criteria laid down by the Courts for determining the relationship between the Master and the Servant under the Industrial Disputes Act. **(5 Marks)**
- b. Define the term *Collective Bargaining*. Enumerate the subject matter of Collective Bargaining laid down by the International Labour Organisation. **(5 Marks)**

PART-B (1 X 10 = 10 Marks)

[Compulsory Question]

6. There was a dispute between the Management of ABC & Co (A Private Enterprise) and its employees of the registered trade union. The Employees of the management made certain demands with respect to their wages, basic pay and dearness allowance on 21.10.19. The said proposed demands was not acceptable to the management and the same was refused. On the account, the Employees went on a strike on 23.10.19. During the course of the strike, the Employees held a series of demonstrations and raised slogans about their unfulfilled demands. Such activities led to a serious disruption in the Management's daily affairs. The Management issued a notice dated 25.10.19 notifying and requesting the Employees to stop the strike and resume their works at their respective departments. There were two subsequent notices stating the same on 28.10.19 and 31.10.19. However, in spite of such notices being issued, the strike continued without any form of disruption.

As a result, the Management issued the following notice on 4th November, 2019:

Further to our notices dated 25.10.19, 28.10.19 and 31.10.19, the workers who are not attending work since 23.10.19, in spite of several requests to resume work, are hereby advised that their names are removed from the Muster as from 2 p.m. today (4th November, 2019) as their having left our services of their own accord. Arrangements have been made to fill up the vacancies occurring as a result of desertion of workers from their places of duty. Arrangements will be made to make payment of their dues, if any."

The strike was called off on 8th November, 2019. A number of employees could not be taken back as their vacancies had been filled up. A number of Employees sought for a remedy before the authority under the Payment of Wages Act, 1972. However, the said application was rejected by the respective authority. As a result, the employees of the Union moved to the High Court under Art. 226 of the Constitution challenging the act of the management. A writ was filed challenging the act of the management as arbitrary on the basis of their *Certified Standing Order*. The section is quoted below for your reference:

Standing Order 25(1) is provided as follows:

"The employment of permanent employees on monthly rates of pay may be terminated by giving one month's notice or on payment of one month's wages (including all allowances) in lieu of notice.

In light of the aforementioned proposition, as a student of Labour Law-1 answer the following questions:

1. Explain the legal issues that can be raised in the proposition under the Industrial Disputes Act, 1947.
2. Whether the strike is justified or unjustified in the current proposition.
3. Examine whether the act of removing the names of Employees from the Muster roll was justified and available relief to the aggrieved employees, if applicable.
4. Examine the maintainability of writ petition against a *Private Enterprise* filed before the High Court.

Answer the question with relevant case laws wherever necessary.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

PUBLIC INTERNATIONAL LAW

Time: 2½ Hours

Maximum Marks: 50

PART – A (4 X 10 = 40 Marks)

Answer any FOUR of the following questions:

1. a) Explain the evolution of concept of 'High Seas' in International Law through relevant international convention. What are all the freedoms that are available in the High Seas? (4 Marks)
- b) A ship belonging to State 'X' is suspected to be carrying Slaves in it. The ship has also violated the domestic laws of State 'Y' in the territorial waters of State 'Y'. The ship is moving from territorial waters towards the High Seas. The Government of State 'Y' has made efforts to provide signals to stop the ship, but the ship has not stopped. Does the Government of State 'Y' have any right to seize the ship? Is there any limitation to the rights of the Government of State 'Y' in this regard? (6 Marks)
2. Ken is a citizen of State Nimaz, who is running a private educational institution. The institution admits only male candidates and does not allow any other gender to be admitted in the institution. There were numerous criticisms that the institute faced because of such discrimination. Ken is very strong in his opinion and he publicly stated that 'State is a guarantor of Human Rights and not private individuals/institutions. Hence, there is no obligation on the part of the institute to follow principle of non-discrimination'.

Answer the following questions: (4 + 6 = 10 Marks)

- a) Does Ken's statement constitute a breach of human rights? Explain from a legal standpoint.
- b) Critically analyse the status of International Human Rights Law at present. Explain various criticisms that are globally stated on the current system of Human Rights Law.

3. The Permanent Court of Arbitration (PCA) is the byproduct of 1899 Hague Convention on the Pacific settlement of international disputes and it institutionalized the dispute settlement process. In the light of this: (5 + 5 = 10 Marks)
 - a. Examine the PCA's efficacy both in law and practice through decided cases;
 - b. Chapter VII of the UN charter legitimises use of force as a means of dispute settlement. Discuss, through examples, *intervention* as a legitimate instrument of dispute resolution in international law.
4. Discuss the legitimate use of the right of self-defence by a state under Article 51 of the U.N. Charter. Examine the debate, in the contemporary international context whether the Article 51 of the U.N. Charter can justify the possible US attack on North Korea? (10 Marks)
5. On 8 July 1991 the State of Qatar filed in the Registry of the ICJ an Application instituting proceedings against the State of Bahrain in respect of certain disputes between the two States relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States. It may be recalled that in its Application Qatar founded the jurisdiction of the Court upon two agreements between the Parties stated to have been concluded in December 1987 and December 1990 respectively. The question in the present case is whether the "1987 Agreement" or the "1990 Agreement" are of the nature of "treaties and conventions" for creating rights and obligations to the Parties. Discuss. (10 Marks)

PART – B (2 X 5 = 10 Marks)

Answer any TWO of the following questions:

6. Critically comment on the International Law on State Responsibility. What are the effects of Breach of International Obligation?
7. In the global context, there is an increase in the number of Stateless people and Refugees. What do you think as a reason behind the causes of Statelessness? Also explain *De Jure* and *De Facto* Statelessness.
8. Notwithstanding Article 7 of the United Nations Charter. The Security Council is regarded as the Principal Organ in the United Nations in comparison to other Organs. Critically evaluate the contribution of United Nations Security Council in the maintenance of International Peace and Security.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year – Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF EVIDENCE

Time: 2½ Hours

Maximum Marks: 50

Instructions:

1. Cite **RELEVANT** Section(s), Clause(s), Explanation(s), Illustration(s), Case Law(s), if any.
2. Follow IRAC Method Wherever Applicable.

Answer any FIVE of the following questions (5 X 10 = 50 Marks):

1.

A. What are **Privileged Communications** under the Indian Evidence Act, 1872? (5 Marks)

B. 'A', a Client said to 'B', an Advocate, "I have killed 'C'. I request you to defend me". Is this a **Privileged Communication**? Decide. (5 Marks)

2. Who may testify as a **Witness**? Write a **Short Note** on the *Protection of Witnesses* with reference to the **Indian Evidence Act, 1872**. (10 Marks)

3.

A. What is **Promissory Estoppel**? Distinguish between **Estoppel** and **Presumption**? (5 Marks)

B. 'A', intentionally and falsely leads 'B' to believe that a certain bungalow belongs to 'A', and thereby induces 'B' to buy and pay for it. The bungalow afterwards becomes the property of 'A'. Now, 'A' seeks to set aside the 'Sale' on the ground that, at the time of **Sale**, he had no **Title**. Decide. (5 Marks)

- 4.
- A. What is a **Leading Question**? Distinguish between **Relevancy** and **Admissibility of Evidence**? (5 Marks)
 - B. What is **Re-Examination**? Distinguish between **Examination-in-Chief** and **Cross-Examination**? (5 Marks)
- 5.
- A. Distinguish between **Direct Evidence** and **Hearsay Evidence**. (5 Marks)
 - B. What are **Private Documents**? (5 Marks)
6. *Can a Witness be Excused from Answering ANY Question upon the Ground that the Answer to SUCH Question will Criminate SUCH Witness?* (10 Marks)
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year – Fifth Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF DIRECT TAXATION

Time: 2½ Hours

Maximum Marks: 50

PART – A (25 Marks)

Answer ALL the questions:

1. During the year 2018-19, Mr. Subburathinam, A foreign citizen, stayed in India for just 69 days. Determine his residential status for the assessment year 2019-20 on the basis of the following information:

- (a) During 2015-16, Mr. Subburathinam was present in India for 366 days.
- (b) During 2012-13 and 2011-12, Mr. Subburathinam was in Japan for 359 and 348 days respectively and for the balance period in India.

Mr. Subburathinam has the following receipts from his employer:

- (1) Salary from M/s Super Technology Rs. 60,000 per month and same 25% of salary received as dearness allowances.
- (2) He is in receipt of HRA Rs. 15,000 Per month.
- (3) He received Travelling allowances as Rs. 5000 Per months
- (4) He received commuted pension Rs. 5,00,000
- (5) He received Gratuity Rs. 2,00,000
- (6) Assessee has received Rs. 2,00,000 income from Trichy house property in relevant assessment year.

Expenses / Payments:

- (1) Rent paid for Residence is Rs. 20,000 Per month.
- (2) Medical Insurance Premium for his mother and children is Rs: 1,00,000 Per Year.
- (3) He Donated Rs.1,00,000 to political party (Payment 60% as cash and remaining as Cheque)

Note:

- He is residing in Trichy and aged about 80 years old.
- Assessee company is ABC private limited and Payment of Gratuity Act, 1972 applicable.
- Assessee worked as employee for the past 30 years.
- Assessee has two house properties. One house in Trichy and another one house in Madurai. Due to Vacancy and Interest on housing loan, Madurai house meet into loss of Rs. 3,00,000.

Determine residential status, the taxable income and tax liability for Assessment year: 2019-20 with justifiable answers?

(15 Marks)

2. Mr. Murugan purchased a house property in Madurai on 1/5/2002. Cost of acquisition is Rs. 1,00,000. It was compulsorily acquired by the Government on 25/12/2017 and compensation determined as 6, 00,000. Compensation paid by Government Rs. 6,00,000 on 1/4/2018.

Mr. Murugan filed an appeal in Madurai Bench of Madras High Court on 1/5/2018. High Court increase the compensation from Rs. 6,00,000 to 9,30,000 by its order dated 25/1/2019. The legal expenses incurred by Mr. Murugan is Rs. 10,000. But, Government files an appeal in the Supreme Court against the order of Madurai Bench of Madras High Court.

The Supreme Court reduces the quantum of compensation from Rs. 9,30,000 to 7,50,000 by its judgement dated 20th March, 2019. Government has given additional compensation Rs.1,50,000 to Mr. Murugan on 25th March, 2019. Legal expenditure by Mr. Murugan in Supreme Court is Rs. 25,000.

Mr. Murugan has occurred loss from short capital gain Rs. 5,00,000/- and received some income from house property as 3,00,000.

Compute capital gains and tax liability for Assessment year: 2019-2020.

(10 Marks)

PART – B (25 Marks)

3. Mr. Yondu ('the Assessee') had filed his return of Income. The Assessing Officer decides to go for an inquiry before assessment. However, Mr. Yondu, failed to produce such documents as requested through notice.
- (a) In this case, what powers does the Incomer Tax authorities have? **(5 Marks)**
- (b) If Mr. Yondu failed to claim deductions, what course of action can he initiate? **(2 Marks)**

- (c) If the Assessment Officer feels that certain income of Mr. Yondu has escaped assessment, what are the steps that can be taken by the Assessing Officer?
(3 Marks)
4. Jadoo, is a corporation registered in the United Kingdom, has planned to invest in India. Jadoo decides to incorporate a Shell company called Alien in Mauritius to make investments in India. This was done to avail the benefit of the Indo Mauritius Double Taxation Avoidance Agreement, since profits made by Mauritian Companies are taxed in Mauritius and not in India.
- (a) What is the term used for the actions of Jadoo? How is it different from Tax planning? **(2 Marks)**
- (b) What prevails in case of a conflict between the provisions of a Double Taxation Avoidance Agreement and the Indian Income Tax Act, 1961?
(2 Marks)
- (c) If any litigation raised that the treaty has reduced the revenue to India. Decide the same based on Westminster Principle, McDowells and Azadi Bachao Andolan Judgments. **(6 Marks)**
5. Explain the concept of General Anti Avoidance Rules. **(5 Marks)**
-

Name : Register No.: **TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI****B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme****Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019****LAW OF DIRECT TAXATION**

Time: 2½ Hours

Maximum Marks: 50

PART – A (25 Marks)**Answer the following question:**

1. Mr. Akhil who is employed as Vice President Marketing with ABC Ltd, retired on 31/3/2019. He has been with the company for 19 years and 10 months. He provides the following information for the year ended 31/3/2019:

- a. Basic Salary - Rs.80,000 pm
- b. Dearness Allowance - Rs.20,000 pm
- c. ABC Ltd had taken a house on lease for a monthly rent of Rs.20,000 and the same was provided Mr. Akhil from 1/4/2017 as an unfurnished accommodation. The company recovered Rs.10,000 from him towards rent.
- d. Mr. Akhil gets 80% of the pension commuted for Rs.4,00,000
- e. ABC Ltd paid Rs.15,00,000 as gratuity on his retirement
- f. Mr.Akhil received Rs.5,000 as interest on Post Office savings bank account and Rs.10,000 as interest from fixed deposits with nationalised banks
- g. LIC premium paid by Mr. Akhil Rs.5,000 (sum assured Rs.40,000)
- h. Medical insurance paid by account payee cheque Rs.8,500
- i. He has contributed 12% towards recognised provident fund and has invested Rs.70,000 in PPF

Compute the total income chargeable to tax for the AY 19-20 (10 Marks)

2. 'Y' Ltd, is a foreign company incorporated in Mauritius. The Company has business outside India and wholly managed and controlled by a team professional who are resident of India. Details of Profit and loss account of 'Y' Ltd, for the year ending 31st March 2019 as follows: (10 Marks)

- a. Net Profit as per profit and loss account Rs. 6,58,000
- b. Out of salary to employees Rs.50,000 was paid outside India on which tax was not deducted at source

- c. Expenses on scientific research Rs.30,000 paid to an approved National Laboratory for undertaking scientific research under an approved programme
- d. Income tax and wealth tax paid Rs.42,500 is charged to the P&L account
- e. Gratuity provision of Rs.1,20,000 was paid to the approved fund account after the due date for filing of the return
- f. GST deposited in cash Rs.50,000 with State Bank of India
- g. A sum of Rs.30,000 was paid towards Consultancy charges to a resident on which tax has not been deducted at source and not paid before the due date for filing of the return
- h. Interest received from Debentures was credited to the P&L is Rs. 13,500 (net of TDS 10%)
- i. Rs.20,000 received as Dividends from a domestic company was credited to the P&L
- j. Depreciation charged to P&L account was Rs.64,000 and Depreciation allowable under Income Tax Act is Rs.1,25,000
- k. Carried forward business loss of Rs.1,20,500 and Unabsorbed depreciation Rs.25,200. Determine the residential status of the Company and compute the taxable income and tax liability for the AY 19-20.

3.

A) Mr. Yuvanesh constructed a residential building for a total cost of Rs.100 lacs during the financial year 2008-09. Registration and other expenses were 10% of the total cost. He entered into a sale agreement with Mr. Halalji on 23-03-17 for a sale consideration of Rs.275 lacs. The sale deed was executed and registered on 07-05-18 and the value of the property for stamp duty purposes was Rs.300 lacs. Mr. Yuvanesh paid 1% brokerage on sale consideration received.

a. He bought a residential house at Chennai for Rs.25 lacs

b. He invested in National Highways capital gains bond for Rs. 45 lacs as on 27/03/19 and for Rs.15 lacs on 12/5/19

Cost of inflation index: a) 2008-09: 137; b) 2016-17: 264; c) 2018-19: 280

Compute the income chargeable under the head capital gains. (5 Marks)

(OR)

B) Write the provisions of Income Tax Act relating to computation of capital gains in special cases, with relevant case laws – (5 Marks)

a. Conversion of capital asset into stock in trade

b. Transfer of depreciable assets

PART – B (25 Marks)

Answer the following questions:

4. (A) Every taxpayer is obligated to file a return of income and furnish the details as per Income Tax Act. The process of examining and assessing the correctness of the return of income by the Income Tax Department is called “Assessment”. Explain the various kinds of assessment procedure under the Income Tax Act, 1961. Also, discuss the provisions for appeal available to the assessee and to the Income Tax Department. **(10 Marks)**

(OR)

(B) Cross border transactions between two enterprises always brings in new and complex issues and there was a need to bring in a regulatory framework. The concept of Transfer pricing was a remedial measure for a fair and equitable profits to be taxed in India.

Explain the provisions of Transfer pricing under the Income Tax Act and methods adopted to determine the arm’s length price. **(10 Marks)**

5. Persons making payment of income are responsible to deduct tax at source and deposit the same to the Government’s treasury within a stipulated time. ABC Ltd., has the following transactions to be addressed and has sought your advice for compliance under provisions of Income Tax Act. **(5 Marks)**
- a. ABC Ltd., has decided to pay bonus & commission, for those eligible employees, for their annual achievement for the previous year ending on 31/3/19.
 - b. ABC Ltd., is liable to pay professional and consultancy charges to XYZ Inc., in US.
6. Mr. Shashank transfers his house to a trust for the benefit of Ms. Kruti till her death. In this case, this transfer is irrevocable till her death. Thus, till the death of Ms. Kruti, income from housing property shall be taxable in the hands of the transferee i.e. the trust. However, on the death of Kruti, such house property shall be included in the total income of Shashank as on the date the transfer has become revocable. **(5 Marks)**
- (a) Explain the tendency of tax payers to divert part of their income to their relatives to reduce burden of taxation.
 - (b) If such transfer was revocable, would it change the liability of Mr. Shashank?
7. Explain the concept of Unabsorbed Depreciation in Carry forward of Losses. **(5 Marks)**

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

CIVIL PROCEDURE CODE

Time: 2½ Hours

Maximum Marks: 50

PART - A (3 X 10 = 30 Marks)

Answer any THREE of the following questions in about 500 words each. The first principles made out are to be substantiated with judicial pronouncements:

1. 'Whatever system of pleading may exist, the sole object of it is that each side may be fully alive to the questions that are about to be argued in order that they may have an opportunity of bringing forward such evidence as may be appropriate to the issue' (Lord Halsbury). Explain the significance of this statement in the light of the fundamental principles laid down in sub-rule 2 of Order VI of the Civil Procedure Code, 1908.
2. Though the expression 'Plaint' has not been defined in the Code, it can be said to be a statement of claim by presentation of which the suit is instituted. Its object is to state the grounds upon which the assistance of the Court is sought by the Plaintiff. Elucidate this statement and enumerate the particulars to be contained in a Plaint as per Rules 1 to 8 of Order VII and provide brief explanation to each one of the particulars so enumerated.
3. The object underlying Order XXXVII of the Code is to prevent unreasonable obstruction by the defendant who has no defence and to assist expeditious disposal of the case. Analyse this provision and state the procedure to be followed by a defendant for filing his written statement.
4. Section 100 of the Code has been amended and it has been done deliberately and intentionally with the avowed object of ensuring that the Second Appeal may not become a 'third trial on facts' or 'one more dice in the gamble'. Examine this statement in the light of the phraseology used in Section 100 (substantial question of law).

PART - B (4 X 5 = 20 Marks)

Answer any FOUR of the following in about 150 words each, citing judicial decisions wherever necessary:

5.

- a) Substituted service of Summons.
 - b) Constitution of Courts under the Commercial Courts Act, 2015 as amended in 2018.
 - c) Pre-institution Mediation under the Commercial Courts, Act of 2015.
 - d) Distinction between Counter claim and set-off.
 - e) Rejection of a plaint.
 - f) Distinction between Review and Revision.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF CRIMES-II (CODE OF CRIMINAL PROCEDURE)

Time: 2½ Hours

Maximum Marks: 50

PART-A (2 X 10 = 20 Marks)

Answer any TWO of the following questions:

1. Explain the term judgment. What are the essential particulars of a judgment? Can a judgement be altered after its pronouncement?
2. Discuss the procedure to be observed in the trial of summons case and distinguish it with that of warrant case.
3. What is an anticipatory bail? Discuss the point of distinctions between ordinary bail and anticipatory bail. While granting anticipatory bail what are the various considerations to be kept in mind by the courts? Discuss with help of cases.
4. Discuss the legal provisions embodied in the Code of Criminal Procedure, 1973 for Plea Bargaining. What are the possible advantages and disadvantages of Plea Bargaining in the Indian context?

PART-B (5 X 6 = 30 Marks)

Answer any FIVE of the following questions:

5. In one year period, Rajiv committed the offence of theft in three different houses belonging to three different persons on two different days. He was charged separately and tried at one trial for all the three cases committed by him.

Decide the legality of the trial with the procedures laid down for trial by Sessions Court under the Code of Criminal Procedure, 1973.

6. Mukesh was sentenced by a High Court in exercise of its extra ordinary original jurisdiction to undergo six months imprisonment. He took advice from one of his advocate friends who suggested him to file an appeal before the Supreme Court. **With reference to above facts advise him with legal provisions, if any.**
7. Mr. Ramswami, a Magistrate in Trichy court on his way to home found a person was beating his wife with bamboo stick. After witnessing this, Mr. Ramswami forbade that person from doing so. But when Mr. Ramswami found him continuing with the same action, he arrested that person.

In the light of above-mentioned facts analyse the legality of such power of the concerned Magistrate with the help of legal provision under the Code of Criminal Procedure, 1973.

8. Rupendran was accused of committing murder punishable under S.302 of the Indian Penal Code, 1860. His case was committed for trial before the Sessions Court. The prosecution in the case was conducted by Mr Asmar Sheikh who is an Assistant Public Prosecutor. The opening statement was made by Mr Sheikh and thereafter the Sessions Judge was of the opinion that the case should be tried further. He asked the prosecution to produce its evidence and thereafter the accused entered upon his defense. After perusing evidence produced by the prosecution and the defense, the Sessions Judge decided to acquit the accused due to insufficiency of evidence to establish his guilt.

In light of the above facts, determine whether the Sessions Judge has complied with all the procedures laid down for trial by Sessions Court under the Code of Criminal Procedure, 1973.

9. Sheila is a domestic worker and is accused of committing theft of a box of gold (a cognizable offence) from her employer's house. An F.I.R. has been lodged against her and therefore the police decides to conduct a search at her house for the gold box. The officer in charge of the police station obtained a search warrant from the judicial magistrate first class and proceeded to Sheila's house at 4 pm. When Sheila saw the police, she did not open the door for them and therefore the police officer and the constables broke the door open and conducted the search. Sheila was asked to wait outside while the search was conducted and no one other than the police was present during the search and preparation of the seizure memo. The box of gold was recovered from her house and thereafter Sheila was searched by a male constable to check if she is hiding anything on herself and then arrested.

In light of the above facts, determine whether the search and seizure procedure followed by the police is in consonance with the provisions of the Code of Criminal Procedure, 1973.

10. Mr Gordo is the investigating officer in a murder case. During the course of investigation, he examined many persons who were acquainted with the facts of the case. He recorded their statements in writing and took their signature on it. Thereafter the police conducted further investigation and filed charge-sheet against the wife and son of the deceased. During the trial, a defense witness was contradicted and a prosecution witness corroborated with the statements recorded by the police.

In light of the above facts, determine if the statements of the witnesses has been recorded by the police in accordance with the Code of Criminal Procedure, 1973. Also, discuss the use of such statements in evidence during any inquiry or trial and whether in this murder trial the statements have been used in accordance with the legal provisions.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

SOCIO ECONOMIC OFFENCES

Time: 2½ Hours

Maximum Marks: 50

PART – A (3 X 10 = 30 Marks)

Answer any THREE of the following questions:

1. Critically examine efficacy of anti-trafficking laws in India.
2. “The country has adequate laws, but the main issue arises in its implementation”. In the light of above statement, analyse anti-corruption laws in India.
3. Socio economic crimes are sometime described as “public welfare offence”. Do you agree? Examine.
4. “The belief is that when severely punished, the offenders recognized the unpleasant consequences of their actions”. Discuss the validity of above statement in reference to the Narcotic Drugs and Psychotropic Substances Act, 1985.

PART – B (4 X 5 = 20 Marks)

Answer any FOUR of the following questions:

5. Ajit voluntarily donated one of his kidney to one of his childhood friend Sujit without any legal formality who was suffering from some serious illness due to kidney failure with the consideration of 2 Lakh Rupees. Discuss the liability of Ajit if any.
6. Ramesh, attempts to procure a woman of 28 years with her consent from Chennai to Singapore. At the time of doing so, he caught by Chennai Police at Chennai International Airport and arrested under Immoral Traffic Act, 1986. Is Ramesh has committed any offence?

7. Mr.Sharma, an engineer in USA, purchased a plot in Chennai outskirts through one Real Estate Company. As Mr.Sharma was in abroad, he trusted the Company completely regarding all the legal formalities. Later, Mr.Sharma came to know that the property was benami property and his property was seized. In the light of above facts discuss the criminal liability of Mr.Sharma under Benami Transaction Act,2016.
 8. Raja, is a owner of a grocery shop in Vannakovil. He sold few adulterate packaged oils named Shreehari Cooking oil. After consuming that oil from his shop, 6 people from locality were severely ill. One of the advocates from the same locality advised them to file a case against Raja under Food Safety Standard Act,2006. Later, in trial Raja contended that, he has no liability as he merely sold the oil package without knowing that those were adulterated/In the light of above facts discuss the liability of Raja under Food Safety Standard Act,2006.
 9. Mr. Muthu a custom officer, came to know about the illegal possession of cocccain by some persons who planned to escape from criminal liability by fled to Sri Lanka through flight on 12th November, 2019 at 3 a.m. After getting the information about the preparation, Mr.Muthu arrested them at their resident at Tiruneravelli. Discuss the validity of the procedure followed by the custom officer in the above situation.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year - Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

CORPORATE FINANCE LAW

Time: 2½ Hours

Maximum Marks: 50

Instruction:

Please note that this examination shall be an open book examination. Bare Act(s), Rules, Regulations, By-Laws, Corporate Laws Manual, SEBI Manual, Full text of the case laws are allowed in the exam hall. No books are allowed.

Answer ALL the questions:

1. Romanheart Matrimony Services Ltd. (RMS Ltd.) passed a board resolution proposing public offer of shares under the Companies Act, 2013 (2013 Act) read with the relevant rules/regulations, as may be applicable. On 29.10.2019, the Draft Red Herring Prospectus (DRHP) was issued. As per the DRHP, RMS Ltd. proposed issue of 1 crore shares of INR 10 each. The DRHP sent to SEBI was reverted to RMS Ltd. for revision. What revisions are required in DRHP to comply with the SEBI (ICDR) Regulations? State the reasoning for the revision as well as in what way the revision will help the company in its long existence.
(10 Marks)
2. Lawtech Ltd., a company registered under the Companies Act, 2013, had five shareholders as promoters. Each of them had subscribed to 10 lakh equity shares of INR 10 each. Lawtech intends to go for an IPO to raise INR 10 crores. This capital is intended for expansion in new geographical markets. Existing shareholders do not want to cease as promoters. Hence, they are willing to subscribe to shares worth 3 crores in the new issue. They seek your advice on the rules applicable to transfer of these shares post listing. Advice them.
(10 Marks)

3. Briefly describe the applicability of SEBI (ICDR) Regulations, 2018 to the issue of depository receipts by Indian and foreign companies. What are the other rules and regulations applicable to the issue of depository receipts?

(10 Marks)

4. Write a critical comment on *Sahara India Real Estate Corporation Ltd., and others v. The Securities and Exchange Board of India and Others*, Civil Appeal Nos. 9813 and 9833 of 2011, Supreme Court of India.

(10 Marks)

5. Write short notes on the following:

a. Floating charge **(5 Marks)**

b. Preferential allotment of shares **(5 Marks)**

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

CYBER LAW

Time: 2½ Hours

Maximum Marks: 50

PART – A (5 X 3 = 15 Marks)

Answer ALL the questions in not less than 100 words and not more than 250 words.

1. State the Space transition theory and explain its reliability in the current context.
2. Mention the Manila principle and its importance.
3. Write a detail note on Zippo Sliding scale theory?
4. Differentiate Click wrap agreements and browse wrap agreements.
5. Discuss the necessity of establishing 24/7 network as per the Budapest Convention on Cybercrimes, 2001 and also state if there are any 24/7 network established in India to respond / monitor the cyber space in India.

PART – B (5 X 7 = 35 Marks)

Question No. 6 is a Compulsory. Answer any FOUR questions from Q.no 7 to Q.no. 11. State the relevant case laws, legal provisions and principles wherever necessary.

6. Define Minimal Contacts theory and explain the transition of the Minimal Contacts theory to accommodate and resolve the Jurisdiction of Issues in Cyber Space.
7. Define Cybercrime and Explain in detail about the crimes committed against individuals in cyber space.
8. Compare the Provisions of the EUGDPR and the Draft Personal Data Protection Bill, 2018.

9. State the role of intermediaries in cyber space and discuss the Safe Harbour principles and mention whether it is uniformly applicable in all the Jurisdictions.
 10. What is a Digital Signature? Explain the process of creation, validation, authentication, verification of the Digital signature and its relevance in creation of a cyber-contract.
 11. State the importance of the Creation of a Domain Name and discuss in detail about the Domain Name issues in cyber space.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF DIRECT TAXATION

Time: 2½ Hours

Maximum Marks: 50

PART – A (25 Marks)

Answer the following question:

1. Mr. Akhil who is employed as Vice President Marketing with ABC Ltd, retired on 31/3/2019. He has been with the company for 19 years and 10 months. He provides the following information for the year ended 31/3/2019:

- a. Basic Salary - Rs.80,000 pm
- b. Dearness Allowance - Rs.20,000 pm
- c. ABC Ltd had taken a house on lease for a monthly rent of Rs.20,000 and the same was provided Mr. Akhil from 1/4/2017 as an unfurnished accommodation. The company recovered Rs.10,000 from him towards rent.
- d. Mr. Akhil gets 80% of the pension commuted for Rs.4,00,000
- e. ABC Ltd paid Rs.15,00,000 as gratuity on his retirement
- f. Mr.Akhil received Rs.5,000 as interest on Post Office savings bank account and Rs.10,000 as interest from fixed deposits with nationalised banks
- g. LIC premium paid by Mr. Akhil Rs.5,000 (sum assured Rs.40,000)
- h. Medical insurance paid by account payee cheque Rs.8,500
- i. He has contributed 12% towards recognised provident fund and has invested Rs.70,000 in PPF

Compute the total income chargeable to tax for the AY 19-20 (10 Marks)

2. 'Y' Ltd, is a foreign company incorporated in Mauritius. The Company has business outside India and wholly managed and controlled by a team professional who are resident of India. Details of Profit and loss account of 'Y' Ltd, for the year ending 31st March 2019 as follows: (10 Marks)

- a. Net Profit as per profit and loss account Rs. 6,58,000
- b. Out of salary to employees Rs.50,000 was paid outside India on which tax was not deducted at source

- c. Expenses on scientific research Rs.30,000 paid to an approved National Laboratory for undertaking scientific research under an approved programme
- d. Income tax and wealth tax paid Rs.42,500 is charged to the P&L account
- e. Gratuity provision of Rs.1,20,000 was paid to the approved fund account after the due date for filing of the return
- f. GST deposited in cash Rs.50,000 with State Bank of India
- g. A sum of Rs.30,000 was paid towards Consultancy charges to a resident on which tax has not been deducted at source and not paid before the due date for filing of the return
- h. Interest received from Debentures was credited to the P&L is Rs. 13,500 (net of TDS 10%)
- i. Rs.20,000 received as Dividends from a domestic company was credited to the P&L
- j. Depreciation charged to P&L account was Rs.64,000 and Depreciation allowable under Income Tax Act is Rs.1,25,000
- k. Carried forward business loss of Rs.1,20,500 and Unabsorbed depreciation Rs.25,200. Determine the residential status of the Company and compute the taxable income and tax liability for the AY 19-20.

3.

A) Mr. Yuvanesh constructed a residential building for a total cost of Rs.100 lacs during the financial year 2008-09. Registration and other expenses were 10% of the total cost. He entered into a sale agreement with Mr. Halalji on 23-03-17 for a sale consideration of Rs.275 lacs. The sale deed was executed and registered on 07-05-18 and the value of the property for stamp duty purposes was Rs.300 lacs. Mr. Yuvanesh paid 1% brokerage on sale consideration received.

a. He bought a residential house at Chennai for Rs.25 lacs

b. He invested in National Highways capital gains bond for Rs. 45 lacs as on 27/03/19 and for Rs.15 lacs on 12/5/19

Cost of inflation index: a) 2008-09: 137; b) 2016-17: 264; c) 2018-19: 280

Compute the income chargeable under the head capital gains. (5 Marks)

(OR)

B) Write the provisions of Income Tax Act relating to computation of capital gains in special cases, with relevant case laws – (5 Marks)

a. Conversion of capital asset into stock in trade

b. Transfer of depreciable assets

PART – B (25 Marks)

Answer the following questions:

4. (A) Every taxpayer is obligated to file a return of income and furnish the details as per Income Tax Act. The process of examining and assessing the correctness of the return of income by the Income Tax Department is called "Assessment". Explain the various kinds of assessment procedure under the Income Tax Act, 1961. Also, discuss the provisions for appeal available to the assessee and to the Income Tax Department. **(10 Marks)**

(OR)

(B) Cross border transactions between two enterprises always brings in new and complex issues and there was a need to bring in a regulatory framework. The concept of Transfer pricing was a remedial measure for a fair and equitable profits to be taxed in India.

Explain the provisions of Transfer pricing under the Income Tax Act and methods adopted to determine the arm's length price. **(10 Marks)**

5. Persons making payment of income are responsible to deduct tax at source and deposit the same to the Government's treasury within a stipulated time. ABC Ltd., has the following transactions to be addressed and has sought your advice for compliance under provisions of Income Tax Act. **(5 Marks)**
- a. ABC Ltd., has decided to pay bonus & commission, for those eligible employees, for their annual achievement for the previous year ending on 31/3/19.
 - b. ABC Ltd., is liable to pay professional and consultancy charges to XYZ Inc., in US.
6. Mr. Shashank transfers his house to a trust for the benefit of Ms. Kruti till her death. In this case, this transfer is irrevocable till her death. Thus, till the death of Ms. Kruti, income from housing property shall be taxable in the hands of the transferee i.e. the trust. However, on the death of Kruti, such house property shall be included in the total income of Shashank as on the date the transfer has become revocable. **(5 Marks)**
- (a) Explain the tendency of tax payers to divert part of their income to their relatives to reduce burden of taxation.
 - (b) If such transfer was revocable, would it change the liability of Mr. Shashank?
7. Explain the concept of Unabsorbed Depreciation in Carry forward of Losses. **(5 Marks)**

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

CIVIL PROCEDURE CODE

Time: 2½ Hours

Maximum Marks: 50

PART - A (3 X 10 = 30 Marks)

Answer any THREE of the following questions in about 500 words each. The first principles made out are to be substantiated with judicial pronouncements:

1. 'Whatever system of pleading may exist, the sole object of it is that each side may be fully alive to the questions that are about to be argued in order that they may have an opportunity of bringing forward such evidence as may be appropriate to the issue' (Lord Halsbury). Explain the significance of this statement in the light of the fundamental principles laid down in sub-rule 2 of Order VI of the Civil Procedure Code, 1908.
2. Though the expression 'Plaint' has not been defined in the Code, it can be said to be a statement of claim by presentation of which the suit is instituted. Its object is to state the grounds upon which the assistance of the Court is sought by the Plaintiff. Elucidate this statement and enumerate the particulars to be contained in a Plaint as per Rules 1 to 8 of Order VII and provide brief explanation to each one of the particulars so enumerated.
3. The object underlying Order XXXVII of the Code is to prevent unreasonable obstruction by the defendant who has no defence and to assist expeditious disposal of the case. Analyse this provision and state the procedure to be followed by a defendant for filing his written statement.
4. Section 100 of the Code has been amended and it has been done deliberately and intentionally with the avowed object of ensuring that the Second Appeal may not become a 'third trial on facts' or 'one more dice in the gamble'. Examine this statement in the light of the phraseology used in Section 100 (substantial question of law).

PART - B (4 X 5 = 20 Marks)

Answer any FOUR of the following in about 150 words each, citing judicial decisions wherever necessary:

5.

- a) Substituted service of Summons.
 - b) Constitution of Courts under the Commercial Courts Act, 2015 as amended in 2018.
 - c) Pre-institution Mediation under the Commercial Courts, Act of 2015.
 - d) Distinction between Counter claim and set-off.
 - e) Rejection of a plaint.
 - f) Distinction between Review and Revision.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF CRIMES-II (CODE OF CRIMINAL PROCEDURE)

Time: 2½ Hours

Maximum Marks: 50

PART-A (2 X 10 = 20 Marks)

Answer any TWO of the following questions:

1. Explain the term judgment. What are the essential particulars of a judgment? Can a judgement be altered after its pronouncement?
2. Discuss the procedure to be observed in the trial of summons case and distinguish it with that of warrant case.
3. What is an anticipatory bail? Discuss the point of distinctions between ordinary bail and anticipatory bail. While granting anticipatory bail what are the various considerations to be kept in mind by the courts? Discuss with help of cases.
4. Discuss the legal provisions embodied in the Code of Criminal Procedure, 1973 for Plea Bargaining. What are the possible advantages and disadvantages of Plea Bargaining in the Indian context?

PART-B (5 X 6 = 30 Marks)

Answer any FIVE of the following questions:

5. In one year period, Rajiv committed the offence of theft in three different houses belonging to three different persons on two different days. He was charged separately and tried at one trial for all the three cases committed by him.

Decide the legality of the trial with the procedures laid down for trial by Sessions Court under the Code of Criminal Procedure, 1973.

6. Mukesh was sentenced by a High Court in exercise of its extra ordinary original jurisdiction to undergo six months imprisonment. He took advice from one of his advocate friends who suggested him to file an appeal before the Supreme Court. **With reference to above facts advise him with legal provisions, if any.**
7. Mr. Ramswami, a Magistrate in Trichy court on his way to home found a person was beating his wife with bamboo stick. After witnessing this, Mr. Ramswami forbade that person from doing so. But when Mr. Ramswami found him continuing with the same action, he arrested that person.

In the light of above-mentioned facts analyse the legality of such power of the concerned Magistrate with the help of legal provision under the Code of Criminal Procedure, 1973.

8. Rupendran was accused of committing murder punishable under S.302 of the Indian Penal Code, 1860. His case was committed for trial before the Sessions Court. The prosecution in the case was conducted by Mr Asmar Sheikh who is an Assistant Public Prosecutor. The opening statement was made by Mr Sheikh and thereafter the Sessions Judge was of the opinion that the case should be tried further. He asked the prosecution to produce its evidence and thereafter the accused entered upon his defense. After perusing evidence produced by the prosecution and the defense, the Sessions Judge decided to acquit the accused due to insufficiency of evidence to establish his guilt.

In light of the above facts, determine whether the Sessions Judge has complied with all the procedures laid down for trial by Sessions Court under the Code of Criminal Procedure, 1973.

9. Sheila is a domestic worker and is accused of committing theft of a box of gold (a cognizable offence) from her employer's house. An F.I.R. has been lodged against her and therefore the police decides to conduct a search at her house for the gold box. The officer in charge of the police station obtained a search warrant from the judicial magistrate first class and proceeded to Sheila's house at 4 pm. When Sheila saw the police, she did not open the door for them and therefore the police officer and the constables broke the door open and conducted the search. Sheila was asked to wait outside while the search was conducted and no one other than the police was present during the search and preparation of the seizure memo. The box of gold was recovered from her house and thereafter Sheila was searched by a male constable to check if she is hiding anything on herself and then arrested.

In light of the above facts, determine whether the search and seizure procedure followed by the police is in consonance with the provisions of the Code of Criminal Procedure, 1973.

10. Mr Gordo is the investigating officer in a murder case. During the course of investigation, he examined many persons who were acquainted with the facts of the case. He recorded their statements in writing and took their signature on it. Thereafter the police conducted further investigation and filed charge-sheet against the wife and son of the deceased. During the trial, a defense witness was contradicted and a prosecution witness corroborated with the statements recorded by the police.

In light of the above facts, determine if the statements of the witnesses has been recorded by the police in accordance with the Code of Criminal Procedure, 1973. Also, discuss the use of such statements in evidence during any inquiry or trial and whether in this murder trial the statements have been used in accordance with the legal provisions.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

SOCIO ECONOMIC OFFENCES

Time: 2½ Hours

Maximum Marks: 50

PART – A (3 X 10 = 30 Marks)

Answer any THREE of the following questions:

1. Critically examine efficacy of anti-trafficking laws in India.
2. “The country has adequate laws, but the main issue arises in its implementation”. In the light of above statement, analyse anti-corruption laws in India.
3. Socio economic crimes are sometime described as “public welfare offence”. Do you agree? Examine.
4. “The belief is that when severely punished, the offenders recognized the unpleasant consequences of their actions”. Discuss the validity of above statement in reference to the Narcotic Drugs and Psychotropic Substances Act, 1985.

PART – B (4 X 5 = 20 Marks)

Answer any FOUR of the following questions:

5. Ajit voluntarily donated one of his kidney to one of his childhood friend Sujit without any legal formality who was suffering from some serious illness due to kidney failure with the consideration of 2 Lakh Rupees. Discuss the liability of Ajit if any.
6. Ramesh, attempts to procure a woman of 28 years with her consent from Chennai to Singapore. At the time of doing so, he caught by Chennai Police at Chennai International Airport and arrested under Immoral Traffic Act, 1986. Is Ramesh has committed any offence?

7. Mr.Sharma, an engineer in USA, purchased a plot in Chennai outskirts through one Real Estate Company. As Mr.Sharma was in abroad, he trusted the Company completely regarding all the legal formalities. Later, Mr.Sharma came to know that the property was benami property and his property was seized. In the light of above facts discuss the criminal liability of Mr.Sharma under Benami Transaction Act,2016.
 8. Raja, is a owner of a grocery shop in Vannakovil. He sold few adulterate packaged oils named Shreehari Cooking oil. After consuming that oil from his shop, 6 people from locality were severely ill. One of the advocates from the same locality advised them to file a case against Raja under Food Safety Standard Act,2006. Later, in trial Raja contended that, he has no liability as he merely sold the oil package without knowing that those were adulterated/In the light of above facts discuss the liability of Raja under Food Safety Standard Act,2006.
 9. Mr. Muthu a custom officer, came to know about the illegal possession of cocaine by some persons who planned to escape from criminal liability by fled to Sri Lanka through flight on 12th November, 2019 at 3 a.m. After getting the information about the preparation, Mr.Muthu arrested them at their resident at Tiruneravelli. Discuss the validity of the procedure followed by the custom officer in the above situation.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year - Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

CORPORATE FINANCE LAW

Time: 2½ Hours

Maximum Marks: 50

Instruction:

Please note that this examination shall be an open book examination. Bare Act(s), Rules, Regulations, By-Laws, Corporate Laws Manual, SEBI Manual, Full text of the case laws are allowed in the exam hall. No books are allowed.

Answer ALL the questions:

1. Romanheart Matrimony Services Ltd. (RMS Ltd.) passed a board resolution proposing public offer of shares under the Companies Act, 2013 (2013 Act) read with the relevant rules/regulations, as may be applicable. On 29.10.2019, the Draft Red Herring Prospectus (DRHP) was issued. As per the DRHP, RMS Ltd. proposed issue of 1 crore shares of INR 10 each. The DRHP sent to SEBI was reverted to RMS Ltd. for revision. What revisions are required in DRHP to comply with the SEBI (ICDR) Regulations? State the reasoning for the revision as well as in what way the revision will help the company in its long existence.
(10 Marks)
2. Lawtech Ltd., a company registered under the Companies Act, 2013, had five shareholders as promoters. Each of them had subscribed to 10 lakh equity shares of INR 10 each. Lawtech intends to go for an IPO to raise INR 10 crores. This capital is intended for expansion in new geographical markets. Existing shareholders do not want to cease as promoters. Hence, they are willing to subscribe to shares worth 3 crores in the new issue. They seek your advice on the rules applicable to transfer of these shares post listing. Advice them.
(10 Marks)

3. Briefly describe the applicability of SEBI (ICDR) Regulations, 2018 to the issue of depository receipts by Indian and foreign companies. What are the other rules and regulations applicable to the issue of depository receipts?

(10 Marks)

4. Write a critical comment on *Sahara India Real Estate Corporation Ltd., and others v. The Securities and Exchange Board of India and Others*, Civil Appeal Nos. 9813 and 9833 of 2011, Supreme Court of India.

(10 Marks)

5. Write short notes on the following:

a. Floating charge **(5 Marks)**

b. Preferential allotment of shares **(5 Marks)**

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), November 2019

CYBER LAW

Time: 2½ Hours

Maximum Marks: 50

PART – A (5 X 3 = 15 Marks)

Answer ALL the questions in not less than 100 words and not more than 250 words.

1. State the Space transition theory and explain its reliability in the current context.
2. Mention the Manila principle and its importance.
3. Write a detail note on Zippo Sliding scale theory?
4. Differentiate Click wrap agreements and browse wrap agreements.
5. Discuss the necessity of establishing 24/7 network as per the Budapest Convention on Cybercrimes, 2001 and also state if there are any 24/7 network established in India to respond / monitor the cyber space in India.

PART – B (5 X 7 = 35 Marks)

Question No. 6 is a Compulsory. Answer any FOUR questions from Q.no 7 to Q.no. 11. State the relevant case laws, legal provisions and principles wherever necessary.

6. Define Minimal Contacts theory and explain the transition of the Minimal Contacts theory to accommodate and resolve the Jurisdiction of Issues in Cyber Space.
7. Define Cybercrime and Explain in detail about the crimes committed against individuals in cyber space.
8. Compare the Provisions of the EUGDPR and the Draft Personal Data Protection Bill, 2018.

9. State the role of intermediaries in cyber space and discuss the Safe Harbour principles and mention whether it is uniformly applicable in all the Jurisdictions.
 10. What is a Digital Signature? Explain the process of creation, validation, authentication, verification of the Digital signature and its relevance in creation of a cyber-contract.
 11. State the importance of the Creation of a Domain Name and discuss in detail about the Domain Name issues in cyber space.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

BANKING LAW

Time: 2½ Hours

Maximum Marks: 50

I. Answer any TWO of the following: (2 X 10 = 20 Marks)

1. Discuss the objectives of Banking Ombudsman Scheme, 2006 (as amended in 2017). Also, explain the grounds on which complaints can be entertained by the Banking Ombudsman and the grounds on which the complaints can be rejected. Do you think that this Banking Ombudsman Scheme acts as a tool in creating a healthy relationship of the banker with that of the customer?
2. The drawer is criminally liable for dishonour of cheques when he fails to make payment of the amount which is due to the payee. Discuss the criminal liability of drawer for issuing cheques without fund in his account. Also, explain with the pre-requisites of liability and the procedures to be followed for filing a case under Section 138 of the Negotiable Instruments Act, 1881.
3. The establishment of Debt Recovery Tribunal (DRT) and Debt Recovery Appellate Tribunal (DRAT) under the Recovery of Debts due to Banks and Financial Institutions Act, 1993 is a welcome step towards streamlining procedures and helps in expeditious disposal of recovery cases. Despite its establishment, the rising percentage of non-performing assets, where borrowers default on repaying loans to banks has reached alarming levels. In this context, discuss the performance of Debt Recovery Tribunals in its legal and administrative sense.

II. Answer any FOUR of the following: (4 X 5 = 20 Marks)

4. Explain the modes or ways on which the party to a negotiable instrument may be discharged from liability under the Negotiable Instruments Act, 1881.
5. Discuss the constitutional validity of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI) with reference to *Mardia Chemicals V. Union of India*, (2004) 4 SCC 311.

6. How can a banker protect the interests of the bank while handling cheques?
 - (i) as a collecting banker and
 - (ii) as a paying banker
7. What do you mean by endorsements? Explain the legal requirements of endorsements.
8. Define the term 'Banker' and 'Customer'. Also, narrate the precautions to be taken by the banks while opening accounts for different types of customers?

III. Answer any FIVE of the following: (5 X 2 = 10 Marks)

9. RBI - Payment and Settlement System
 10. Holder in due course
 11. Garnishee Order
 12. Stale Cheque
 13. Allonge
 14. Sans frais endorsement
 15. Challenges in e-banking
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

ELECTION LAW

Time: 2½ Hours

Maximum Marks: 50

Instructions

All the questions should be answered by quoting relevant legislative provisions and at least two relevant judicial precedents. The problem-based questions should be preferably answered in the *IRAC Method*.

PART – A (4 X 10 = 40 Marks)

Answer ALL the questions:

1. What is an '*Election Symbol*'? Explain the grounds for Recognition of a Political Party as a '*State Party*' by the Election Commission of India (ECI)? Why do only recognised political parties are allotted reserved election symbols in India?
2. The post of the 3rd *Election Commissioner (EC)* in the *Election Commission of India (ECI)* was lying vacant which was earlier customarily held by *Indian Administrative Service (IES)* officers. *Mr. Lolachand* is an *Indian Economic Service (IES)* officer. He had obtained his law degree from the prestigious and famous *National School of Law, Tiruchy (NSLT)*. He was appointed to the vacant post of the 3rd *Election Commissioner* in 2018 by the President of India. Later, he was elevated to the post of *Chief Election Commissioner (CEC)* of India.

After the General Elections of 2019 which was held to constitute the 17th Lok Sabha, one unsuccessful candidate by name *Mr. Vachudhan* belonging to the Tiruchirappalli constituency challenged the successful election of *Mr. Rainee* by way of an *Election Petition (EP)* before the Madras High Court. In his *EP*, the Petitioner *Mr. Vachudhan* alleged, *inter alia*, that *Mr. Lolachand* who was functioning as the *CEC* for the 2019 General Elections was not qualified to be appointed as the *CEC* and therefore, the entire elections held throughout the country including the election of the Respondent *Mr. Rainee* from Tiruchirappalli constituency were void.

It is the Petitioners argument that since the *CEC* could not be removed from his office, except in like manner and on the like grounds as a Supreme Court Judge as provided by Article 324 of the Indian Constitution, no person who was not eligible to be appointed as a Judge of the Supreme Court could be appointed as the *CEC*. Accordingly, the Petitioner contends that as *Mr. Lolachand* was not qualified enough to be appointed as a Supreme Court Judge, he could not be appointed as the *CEC*. Decide this case by elucidating the judgements and relevant provisions from the *Constitution of India, 1950* and other allied laws relating to the appointment of *CEC* to the Election Commission of India.

3. What constitutes 'corrupt practices' under the *Representation of the People Act, 1951*? Elucidate any two similarities and differences between the terms 'corrupt practices' and 'electoral offences'? Explain any two types of corrupt practices with the help of case laws.
4. Shahjahanabad is one of the States in the Indian Union. In 2019, when *All People Party (APP)* came to power in the State of Shahjahanabad, it appointed its 20 *Member of Legislative Assemblies (MLAs)* as *Parliamentary Secretaries (PS)*. The *Opposition Parties (OP)* called for disqualification of these MLAs by the Governor of Shahjahanabad under Article 191 of the Indian Constitution on the ground that holding the post of PS is akin to holding an office of profit.

When the Governor sought for the opinion of the *Election Commission of India (ECI)* under Article 192 of the Constitution, the ECI opined that the 20 MLAs have incurred disqualification by holding the post of PS. When the matter was pending consideration before the Governor, the APP Government passed the *Shahjahanabad Member of Legislative Assembly (Removal of Disqualification) Amendment Act, 2019* (hereinafter, '*Removal of Disqualification Act, 2019*') to exclude Parliamentary Secretaries from the ambit of office of profit. The Opposition Parties have now approached the High Court of Shahjahanabad to disqualify the 20 MLAs for holding office of profit by challenging the constitutionality of the *Removal of Disqualification Act, 2019*. Decide.

PART - B (2 X 5 = 10 Marks)

Write critical legal notes on any "TWO" of the following:

5. *S. Subramaniam Balaji v. Government of Tamil Nadu and Others*, MANU/SC/0668/2013.
6. Reservation in Elections.
7. Compulsory Voting.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

MEDIA LAW

Time: 2½ Hours

Maximum Marks: 50

Follow IRAC wherever applicable

Answer any FIVE of the following questions (5 X 10 = 50 Marks):

1. *Democracy, expects openness, and openness is concomitant of a free society. Sunlight is the best disinfectant* [Per Ahmadi CJ. in *Dinesh Trivedi v Union of India* (1977) 4 SCC 306]. In this context, discuss the significance and necessity of the Right to Information Act, 2005. What are the limitations of the aforementioned Act?
2. *Dissent is the quintessence of democracy. Those who question unquestioned assumptions contribute to the alteration of social norms* [Per Chandrachud J. in *FA International v. CBFC* AIR 2005 Bom 145]. In this context, describe the role of *Central Board of Film Certification*. Also, discuss the constitutional dimensions of *Film Censorship in India*.
3. What is meant by *Yellow Journalism*? Discuss the issues and analyze the problems connected thereto? Also, suggest measures to mitigate and curb the menace of *Yellow Journalism* in India.
4. What is *Paid News*? Analyse the role of the *Press Council of India* and *Election Commission of India* to prevent Paid News.
5. Examine the rationale of the *Official Secrets Act, 1923* for a democratic country like India. What are different challenges arising out of its design and implementation?
6. Define *Advertising*. Analyse the role and relevance of Advertising Standards Council of India to safeguard ethical issues in Advertising.
7. What is meant by *Broadcasting*? What are the limitations and problems experienced by the *Prasar Bharati*?

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

INTERNATIONAL TRADE LAW

Time: 2½ Hours

Maximum Marks: 50

PART – A (10 X 1 = 10 Marks)

Answer ALL Questions. Each Question carries equal marks.

1.

A. Match of the following:

- | | | |
|---------------------------------|---|-----------------|
| a) Factor Endowment Theory | - | Raymond Vernan |
| b) Absolute Advantage Theory | - | David Ricard |
| c) Comparative Advantage Theory | - | Heckscher-Ohlin |
| d) Product Life Cycle Theory | - | Adam Smith |

B. The Relative Production of Factor Endowment Theory are -----, -----, -----

C. Match of the following:

- | | | |
|------------------|---|-----------|
| a) Geneva Round | - | 1973-1979 |
| b) Dillon Round | - | 1962-1967 |
| c) Kennedy Round | - | 1955-1956 |
| d) Tokyo Round | - | 1960-1962 |

D. A total number of participating countries in the Uruguay Round is -----

E. Amongst the following which one of the Part of GATT describes Trade and Development

- | | | | |
|-----------|------------|-------------|------------|
| a) Part I | b) Part II | c) Part III | d) Part IV |
|-----------|------------|-------------|------------|

F. Amongst the following which is the underlying characteristics of the WTO?

- It facilitates economic co-operation between different countries.
- It encourages the more trade and economic development in developing and least developed countries
- It acts an umbrella institution that regulates the agreements concluded at the Uruguay round and promotion of free international trade
- It resolves disputes between economic trade blocks

G. Amongst the following which is NOT a covered agreement of Marrakkash Agreement

- a) Trade Related Aspects of Intellectual Property
- b) Trade Related Investment Measures
- c) United Nations Convention on Trade and Development
- d) Agreement on Agriculture

H. Arrange the following Ministerial Declaration in chronological order, using the codes given below:

- i) Singapore Ministerial Declaration
- ii) Doha Ministerial Declaration
- iii) Cancun Summit
- iv) Bali Summit

Codes:

- | | |
|---------------------------|---------------------------|
| a) (i), (ii), (iii), (iv) | b) (i), (iii), (ii), (iv) |
| c) (i), (iv), (ii), (iii) | d) (ii), (i), (iii), (iv) |

I. **Assertion (A):** The World Trade Organisation Dispute Settlement Understanding is expected to preserve the rights and obligations of the contracting states of the covered agreements.

Reason (R): Covered agreements of the World Trade Organisation are the only source for World Trade Organisation Dispute Settlement Understanding.

Codes:

- (A) Both (A) and (R) are true, and (R) is the correct explanation of (A).
- (B) Both (A) and (R) are true, but (R) is not correct explanation of (A).
- (C) (A) is true, but (R) is false.
- (D) (A) is false, but (R) is true.

J. Expand UNCTAD -----

PART – B (2 X 5 = 10 Marks)

Answer any TWO Questions of the following not exceeding 300 words each. Each Question carries equal marks:

2. Government of India has adopted a policy to provide subsidies with intent to encourage the local sugar cane producers. Aggrieved by the decision, the sugar exporters have contended that the Domestic Supportive Measures (DSM) exceeding 10% of the value of the production of sugar is violating the provisions of the WTO Rules on Agriculture.

Analysing the above facts answer the following questions:

- A) What do you mean by Subsidies?
 - B) What do you mean by Quantitative Restrictions?
 - C) Whether the provisions of Agreement on Agriculture are binding ones?
 - D) Are there any limitation on Domestic Supportive Measures in the GATT-WTO regime?
 - E) Which Department is responsible for implementing policy regarding sugar subsidies?
3. The net fishing with advanced technology has created many problems including the indirect catching and killing of many dolphins. United States of America has imposed trade embargo on yellow fin tuna importing from Mexico and importation of commercial fish or fish products which have been caught with commercial fishing technology which results in the incidental kill or serious injury of ocean mammals in excess of United States standards. Aggrieved by decision, it was claimed that the unilateral measures adopted by the United States of America is unnecessary and indirectly compelling the importing states to follow the measures that clearly violates the purpose and principles of the GATT. The United States of America contented that such unilateral measures are necessary to conserve the natural resources for ensuring better sustainability between generations. Whether the contention made by the United States of America is valid? Substantiate your answer by referring relevant provisions of the GATT.
4. Comment upon Certain Measures Relating to Solar Cells and Solar Modules, WT/DS456/AB/R, 2016.

PART – C (3 X 8 = 24 Marks)

Answer any THREE Questions of the following not exceeding 600 words each. Each Question carries equal marks:

- 5. What you mean by Most Favoured Nations (MFN) Clause. Examine the provisions relating to exceptions to the MFN in the General Agreement on Tariffs and Trade (GATT).
- 6. *“At the WTO, it's never a general surgery. It's always a very specific, clinical, precise surgery - and you can't miss the target. If you miss the target, you kill the patient. It's as simple as that - Roberto Azevedo*

Critically evaluate this statement by referring the contribution of Geneva Round to Uruguay rounds of the World Trade Organisation.

- 7. The World Trade Organisation (WTO) has paved the way for further liberalization of international trade with fundamental shift from the negotiation approach to the institutional framework through transition. Examine this statement by referring the Organisation Structure, Power and Function of the WTO.

8. A) Analyse Power and Function of the International Centre for Investment Disputes (ICSID).
- B) Describe the procedure for quantifying and awarding compensation for Expropriation of foreign investments.

“The Agreement the Establishing Dispute Settlement Understanding of the World Trade Organisation (WTO-DSU) imposes Limitation to resolve the conflict between contracting parties to the WTO-DSU”. Evaluate this statement referring the relevant provisions of the Agreement the Establishing the Dispute Settlement and describe various stages with its timeline of Dispute Settlement of the WTO-DSU.

PART – D (3 X 2 = 6 Marks)

Answer any THREE Questions of the following not exceeding 50 words each. Each Question carries equal marks:

9.

- A. Explain the stages of Product Life Cycle Theory
 - B. Distinguish Tax and Tariff
 - C. Write a note on Covered Agreements
 - D. Unilateral Trade Measures
 - E. Anti-Dumping and Countervailing Measures
-

Name : Register No.: **TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI****B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme****Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019****LAW OF INTERNATIONAL ORGANISATIONS**

Time: 2½ Hours

Maximum Marks: 50

Answer any FIVE of the following questions (5 X 10 = 50 Marks):

1. The pace and design of institutional law-making in various inter-governmental organizations are hugely impacted by the voting rules prevalent in a respective organization. International organizations use a bewildering variety of voting rules—with different thresholds, weighting systems, veto points, and other rules that distribute influence unequally among participants. Provide an overview of the evolution of voting rules in international organizations and the impact that they had upon the decision making in those organizations. Also, critically analyze a new voting system – quadratic voting – that has been recently proposed to increase the efficiency of decision making in international organizations.
2. International Organizations have, thus far, enjoyed near absolute immunity before other international, regional and domestic forums. What sources may provide the framework outlining the legal nature of immunity enjoyed by international organizations? To what extent does the immunity granted to international organizations impinge upon the individual's right to a remedy under international law? Also, briefly outline the relationship between the immunity from jurisdiction and the immunity from enforcement in cases involving international organizations.
3. In the increasingly inter-connected world that we live in, it has become absolutely necessary to secure the accountability of inter-governmental organizations so that they may not escape from their responsibility citing an internationally binding legal instrument. However, the concept of accountability is quite vast and complex than is what usually understood in international law. Accountability also provides a way for international organizations to take responsibility for developing policies and procedures, for

shaping mission and values, and for assessing performance of the organization in relation to the goals that they have set for themselves. In light of this statement, briefly outline the various kinds of accountability in international law and the principle aims and the processes of securing accountability of international organizations. What role do you see for domestic courts in pitching the gap to secure the accountability of international organizations?

4. Despite the shortcomings, the literature on Global Administrative Law (GAL) is making a unique contribution to the progress of administrative law scholarship around the world. The literature on is at present not unified, but this body of law is increasingly determining the patterns of global governance in a range of policy areas. However, GAL is often accused of being a mere technocratic governance which does not involve civil societies in its evolution. In light of this criticism, does a pluralist Global Administrative Law present an alternative to problematic domestic models for ensuring accountability in the circumstances of global governance?
5. Constitutionalization in public international law suggests that international law and its suborders have reached a degree of objectivity in order to limit state sovereignty like a constitutional order. In your opinion, to what extent the international legal system has constitutional features comparable to what we find in international law? Do you support the constitutional doctrine in public international law scholarship that tries to put public international law on constitutional foundation? What are the principle arguments advanced by global scholars for and against putting public international law on a constitutional foundation?
6. The ever-expanding body of public international law is encroaching two bodies of law – private international law and prevalent municipal law in nation-states. This trend has led us to a situation where there is a growing threat to the latter two bodies of law by public international law. To what extent the growing publicness of public international law impinges upon the rights of private parties, including individuals, as they are not a primary subject of public international law, although legalization of public international law principally aims to safeguard and advance the rights of global community of people.

Name : Register No.: **TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI****B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme****Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019****LAW OF INDIRECT TAXATION**

Time: 2½ Hours

Maximum Marks: 50

PART – A (3 X 10 = 30 Marks)**Answer ALL the questions:**

1. Define Supply and what are the necessary element that constitute the deemed supply and negative supply under the Central Goods Service Tax Act, 2017.
2. **Answer the following questions:**
 - a) What are the method of valuation involved in the Central Goods and Service Tax Act, 2017 and the Integrated Goods and Service Tax Act, 2017?
 - b) Write short notes on the issues and problem of input service distributor while claiming the Input tax credit.
3. Examine the concept of Anti-dumping duty by referring the provision of Anti-dumping measures under the WTO agreement.

PART – B (4 X 5 = 20 Marks)**Answer ALL the questions:**

4. What are the methods of transfer of the input tax credit with relevant judicial precedent under the Integrated Goods and Services Tax Act, 2017?
5. Write short notes on procedure involved in clearance of goods in import and export.
6. What are the things coming under the purview of prohibition on importation and exportation of goods under the Custom Act, 1962?
7. Explain the concept of exemption under the Custom Act, 1962 with judicial precedents.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

ADVANCE COURSE ON PATENT LAW

Time: 2½ Hours

Maximum Marks: 50

Instructions:

- Bare Acts and electronic gadgets are not allowed.
- Quote relevant cases and statutory provisions wherever necessary.
- Use IRAC method for solving problem-based questions.
- Answers without the question number shall be marked as zero.

PART – A (2 X 10 = 20 Marks)

Answer any TWO of the following in not less than 800 words:

1. Whether patent is a monopoly? State in brief the development of patent law under the Venetian, British, American and Indian legal system.
2. What are ‘utility patents’ or ‘petty patents’? State the differences between patents and utility model. Do you think that India needs a utility model framework? If so, enumerate the points to be considered for its protection in India.
3. Critically examine the doctrine of ‘willful infringement’ under U.S. Patent Law and analyse whether ‘Patent Infringement should be treated as criminal conduct’ amid the growing global trend of ‘efficient infringement’ of patents in spite of the present remedies under the Indian Patent Act, 1970 in the light of Article 61 of TRIPS Agreement?
4. Examine the criteria for issuance of different compulsory licenses under the Indian Patent Act, 1970 and critically comment on the recent trend of continued rejection of compulsory licence applications in India.

PART – B (2 X 10 = 20 Marks)

Answer any TWO of the following:

5. Face Note, a popular social networking website filed a patent application for an invention relating to a method for providing a third party with the access to user-profile data maintained by it. The invention generally relates to social networking and more specifically to personalizing a third-party application

based on user-specific data from a social network. The third-party applications are run within the social networking website and can extend its functionality by providing users with new and interesting ways to communicate, collaborate and interact with each other. Face Note in its patent application claimed as follows

“A method comprising of providing access to user profile data maintained by a social network website to a third-party application server, the method comprising:

- i. Receiving, at the social network website, a request to access an application from a user;
- ii. Identifying the third part application server associated with the request;
- iii. Determining a user profile associated with the user providing request to access the application
- iv. Transmitting the user identifier, user data associated with the user identifier to the third-party application server
- v. Evaluating a privacy setting associated with the user profile i.e. data publicly accessible and not publicly accessible
- vi. Comparing the request for data to the privacy setting associated with the user profile.
- vii. Transmitting a subset of data included in the user profile to the third party”

It also claimed that the present invention was not merely a computer program as the said invention “provides technical improvements and benefits like checking privacy setting associated with the user profile”. It is to be noted, the third-party applications include outside businesses which can collect user profile data on grant of permission through this claimed method for targeted advertising of their products to relevant user. Decide as to the patentability of the FaceNote invention under the Indian Patent Act, 1970.

6. Tigtog Furnitures (hereinafter ‘Tigtog’) acquired a patent in India over a study table in 2012 which is claimed as follows, “A movable study table comprising: a flat square piece of wood and four steel rods of equal length to support said flat square piece of wood, wherein, one of the each of said four solid rods are connected to a corner of said square piece of wood, and wherein, each steel rod is supported by a height-adjustable caster at the other end.” Tigtog claimed that the height-adjustable cluster is a new innovation in the furniture industry due to its durability and weight management. Woodmash Furnitures (hereinafter ‘Woodmash’) made a study table having a rotating circular wooden surface with four long circular legs made of wood. The said table is built with height-adjustable cluster which performs similar but not identical to that of Tigtog and connected to wheel assembly. Woodmash started selling their table in India from 2018. Tigtog files as infringement suit against Woodmash. Decide.

7. Aadhavan, a final year engineering student from Trichy invented a device equipped with inbuilt sensors and camera named as 'Drive Watch' which can warn drivers of approaching obstacles and stop the four-wheeler vehicle if the driver does not respond. Distracted driving is one of the lead cause for major road accidents in India. There are different types of distractions. Visual distraction occurs when a driver takes his or her eyes off of the road. Manual distraction involves a driver letting go of the wheel with either hand. Cognitive distraction occurs when a driver's mind is no longer focused on driving, whether or not the road is still in view. Anyone of these modes of distraction increases a driver's risk of crashing a car. This invention monitors all different modes of distraction of a driver during the travel. If detected for distraction then it warns the driver with an alarm and demands his/her immediate response. Any failure to respond within the limited time frame by the driver leads to automatic slowdown of the vehicle engine and the device safely parks the vehicle on a location identified through its sensors. Aadhavan successfully obtains patent from India and other countries. M/s. Mia Motors, an MNC manufactures consumer vehicles shown interest to buy a license of the patented invention from Aadhavan to use it for their vehicles globally. Aadhavan approach you for drafting a license deed in this regard. Draft a suitable 'Patent License Deed'.

PART – C (2 X 5 = 10 Marks)

Write short note on *any TWO* of the following:

8. National Pharmaceutical Pricing Authority
 9. Pharmaceutical Manufacturers' Association of South Africa v. President of the Republic of South Africa, Case No.:4183/98, filed Feb 18, 1998.
 10. Patent Co-operation Treaty, 1970
 11. Patent Opposition under Indian Patent Act, 1970.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

CLINICAL – III (PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM)

Time: 2 Hours

Maximum Marks: 30

Answer ALL the questions. Each question carries 10 marks. Individual break up of marks have been indicated in brackets at the end of each question:

1. Write short notes on any TWO of the following: (2 X 5 = 10 Marks)

- a) Brief history of the legal profession in India.
- b) Bar and bench relations.
- c) Powers and functions of the Bar Council of India.
- d) Five fundamental elements of accounting and relevant Bar Council of India Rules on maintenance of accounts of the clients by an Advocate.

2. a) With reference to the Contempt of Court Act, 1971, elaborate on the nature and types of contempt. What are the defences available in a proceeding for criminal contempt?

b) Discuss the facts, issues and judgment in *In Re Arundhati Roy*, AIR 2002 SC 1375

(5 + 5 = 10 Marks)

3. Three-year-old Tiny is admitted to famous Hospital with complaints of severe stomach ache. Junior Resident Doctor 'A' attends to her by giving some painkillers, and subsequently, with an injection, to reduce the pain. However, within a few minutes of giving the injection, Tiny starts having major seizures and has to be rushed to the operation theatre and operated on an emergency basis under the guidance of Senior Surgeon Doctor 'B'. It is then discovered that the seizures had happened due to some wrong medicine being administered by Doctor 'A' - either due to carelessness or inexperience. Tiny's parents, Mr and Mrs Furious, are outraged at the negligence and decides to go and wait at the Hospital Cafeteria till Doctor 'A' comes back from his rounds.

Inside the Cafeteria, Mrs Furious notices a man in the corner with something that looks like an advocate's band hanging from his neck, drinking coffee. Feeling that a lawyer is exactly what they needed at the moment, Mr and Mrs Furious approach the man - who jovially introduces himself as Mr Pretentious, and instantly becomes interested in their case.

Halfway through the discussion, Mr Pretentious offers Mr and Mrs Furious to come down to his office, which happens to be nearby, so that they can discuss the case in further details. Mr and Mrs Furious readily agree. While entering his office, Mr and Mrs Furious notice the big shiny marble nameplate at the door, rattling off the multiple foreign degrees of the advocate, and think to themselves that they have indeed, come to the best possible place for advice! Once inside, Mr Pretentious makes meticulous notes on the case, mutters to himself "this can easily get at least 10 lakhs in compensation, if not more", and then formally offers to represent Mr and Mrs Furious in Court, should they wish to proceed.

At this point, Mr Furious hesitates a little, saying he is unsure if he can pay the advocate's consultation fees, since so much money is already spent on Tiny's treatment and surgery. Mr Pretentious immediately takes out his cheque book and writes a cheque of Rs 10,000/- in Mr Furious's name as a "loan from a friend" and says that he will bill himself further only if he manages to win the case. Seeing the confused expression on Mr Furious' face, he adds with a wink "Don't worry sir, the Judge is an old friend of mine!"

Over the next few days, Mr and Mrs Furious exchange regular telephonic calls with Mr Pretentious, who assures them that he is steadily progressing with their case. However, one day when Mrs Furious is back in the Hospital for Tiny's postoperative check-up reports, she overhears some of the nurses discussing how Mr Pretentious had visited Doctor 'A' earlier that day to suggest covering up some of the medical records, and then threatened grave legal consequences unless Doctor 'A' paid him Rs 5 lakhs by the end of the week.

When contacted, Mr Pretentious denies having made any such demands, takes offence that such an allegation can be made against him after all that he has done for the Furious family, and withdraws from the case with immediate effect.

In your opinion, did Mr Pretentious fulfil his duties in maintaining professional conduct and etiquette? Critically analyse with reference to appropriate Bar Council of India Rules, cases and the seven lamps of advocacy.

(10 Marks)

Name : Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

ELECTION LAW

Time: 2½ Hours

Maximum Marks: 50

Instructions

All the questions should be answered by quoting relevant legislative provisions and at least two relevant judicial precedents. The problem-based questions should be preferably answered in the *IRAC Method*.

PART – A (4 X 10 = 40 Marks)

Answer ALL the questions:

1. What is an 'Election Symbol'? Explain the grounds for Recognition of a Political Party as a 'State Party' by the Election Commission of India (ECI)? Why do only recognised political parties are allotted reserved election symbols in India?
2. The post of the 3rd Election Commissioner (EC) in the Election Commission of India (ECI) was lying vacant which was earlier customarily held by Indian Administrative Service (IES) officers. Mr. Lolachand is an Indian Economic Service (IES) officer. He had obtained his law degree from the prestigious and famous National School of Law, Tiruchy (NSLT). He was appointed to the vacant post of the 3rd Election Commissioner in 2018 by the President of India. Later, he was elevated to the post of Chief Election Commissioner (CEC) of India.

After the General Elections of 2019 which was held to constitute the 17th Lok Sabha, one unsuccessful candidate by name Mr. Vachudhan belonging to the Tiruchirappalli constituency challenged the successful election of Mr. Raineer by way of an Election Petition (EP) before the Madras High Court. In his EP, the Petitioner Mr. Vachudhan alleged, *inter alia*, that Mr. Lolachand who was functioning as the CEC for the 2019 General Elections was not qualified to be appointed as the CEC and therefore, the entire elections held throughout the country including the election of the Respondent Mr. Raineer from Tiruchirappalli constituency were void.

It is the Petitioners argument that since the *CEC* could not be removed from his office, except in like manner and on the like grounds as a Supreme Court Judge as provided by Article 324 of the Indian Constitution, no person who was not eligible to be appointed as a Judge of the Supreme Court could be appointed as the *CEC*. Accordingly, the Petitioner contends that as *Mr. Lolachand* was not qualified enough to be appointed as a Supreme Court Judge, he could not be appointed as the *CEC*. Decide this case by elucidating the judgements and relevant provisions from the *Constitution of India, 1950* and other allied laws relating to the appointment of *CEC* to the Election Commission of India.

3. What constitutes '*corrupt practices*' under the *Representation of the People Act, 1951*? Elucidate any two similarities and differences between the terms '*corrupt practices*' and '*electoral offences*'? Explain any two types of corrupt practices with the help of case laws.
4. Shahjahanabad is one of the States in the Indian Union. In 2019, when *All People Party (APP)* came to power in the State of Shahjahanabad, it appointed its 20 *Member of Legislative Assemblies (MLAs)* as *Parliamentary Secretaries (PS)*. The *Opposition Parties (OP)* called for disqualification of these MLAs by the Governor of Shahjahanabad under Article 191 of the Indian Constitution on the ground that holding the post of PS is akin to holding an office of profit.

When the Governor sought for the opinion of the *Election Commission of India (ECI)* under Article 192 of the Constitution, the ECI opined that the 20 MLAs have incurred disqualification by holding the post of PS. When the matter was pending consideration before the Governor, the APP Government passed the *Shahjahanabad Member of Legislative Assembly (Removal of Disqualification) Amendment Act, 2019* (hereinafter, '*Removal of Disqualification Act, 2019*') to exclude Parliamentary Secretaries from the ambit of office of profit. The Opposition Parties have now approached the High Court of Shahjahanabad to disqualify the 20 MLAs for holding office of profit by challenging the constitutionality of the *Removal of Disqualification Act, 2019*. Decide.

PART - B (2 X 5 = 10 Marks)

Write critical legal notes on any "TWO" of the following:

5. *S. Subramaniam Balaji v. Government of Tamil Nadu and Others*, MANU/SC/0668/2013.
6. Reservation in Elections.
7. Compulsory Voting.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

BANKING LAW

Time: 2½ Hours

Maximum Marks: 50

I. Answer any TWO of the following: (2 X 10 = 20 Marks)

1. Discuss the objectives of Banking Ombudsman Scheme, 2006 (as amended in 2017). Also, explain the grounds on which complaints can be entertained by the Banking Ombudsman and the grounds on which the complaints can be rejected. Do you think that this Banking Ombudsman Scheme acts as a tool in creating a healthy relationship of the banker with that of the customer?
2. The drawer is criminally liable for dishonour of cheques when he fails to make payment of the amount which is due to the payee. Discuss the criminal liability of drawer for issuing cheques without fund in his account. Also, explain with the pre-requisites of liability and the procedures to be followed for filing a case under Section 138 of the Negotiable Instruments Act, 1881.
3. The establishment of Debt Recovery Tribunal (DRT) and Debt Recovery Appellate Tribunal (DRAT) under the Recovery of Debts due to Banks and Financial Institutions Act, 1993 is a welcome step towards streamlining procedures and helps in expeditious disposal of recovery cases. Despite its establishment, the rising percentage of non-performing assets, where borrowers default on repaying loans to banks has reached alarming levels. In this context, discuss the performance of Debt Recovery Tribunals in its legal and administrative sense.

II. Answer any FOUR of the following: (4 X 5 = 20 Marks)

4. Explain the modes or ways on which the party to a negotiable instrument may be discharged from liability under the Negotiable Instruments Act, 1881.
5. Discuss the constitutional validity of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI) with reference to *Mardia Chemicals V. Union of India*, (2004) 4 SCC 311.

6. How can a banker protect the interests of the bank while handling cheques?
 - (i) as a collecting banker and
 - (ii) as a paying banker
7. What do you mean by endorsements? Explain the legal requirements of endorsements.
8. Define the term 'Banker' and 'Customer'. Also, narrate the precautions to be taken by the banks while opening accounts for different types of customers?

III. Answer any FIVE of the following: (5 X 2 = 10 Marks)

9. RBI - Payment and Settlement System
 10. Holder in due course
 11. Garnishee Order
 12. Stale Cheque
 13. Allonge
 14. Sans frais endorsement
 15. Challenges in e-banking
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

MEDIA LAW

Time: 2½ Hours

Maximum Marks: 50

Follow IRAC wherever applicable

Answer any FIVE of the following questions (5 X 10 = 50 Marks):

1. *Democracy, expects openness, and openness is concomitant of a free society. Sunlight is the best disinfectant* [Per Ahmadi CJ. in *Dinesh Trivedi v Union of India* (1977) 4 SCC 306]. In this context, discuss the significance and necessity of the Right to Information Act, 2005. What are the limitations of the aforementioned Act?
2. *Dissent is the quintessence of democracy. Those who question unquestioned assumptions contribute to the alteration of social norms* [Per Chandrachud J. in *FA International v. CBFC* AIR 2005 Bom 145]. In this context, describe the role of *Central Board of Film Certification*. Also, discuss the constitutional dimensions of *Film Censorship in India*.
3. What is meant by *Yellow Journalism*? Discuss the issues and analyze the problems connected thereto? Also, suggest measures to mitigate and curb the menace of *Yellow Journalism* in India.
4. What is *Paid News*? Analyse the role of the *Press Council of India* and *Election Commission of India* to prevent Paid News.
5. Examine the rationale of the *Official Secrets Act, 1923* for a democratic country like India. What are different challenges arising out of its design and implementation?
6. Define *Advertising*. Analyse the role and relevance of Advertising Standards Council of India to safeguard ethical issues in Advertising.
7. What is meant by *Broadcasting*? What are the limitations and problems experienced by the *Prasar Bharati*?

Name : Register No.: **TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI****B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme****Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019****INTERNATIONAL TRADE LAW**

Time: 2½ Hours

Maximum Marks: 50

PART – A (10 X 1 = 10 Marks)**Answer ALL Questions. Each Question carries equal marks.****1.****A. Match of the following:**

- | | | |
|---------------------------------|---|----------------|
| a) Factor Endowment Theory | - | Raymond Vernan |
| b) Absolute Advantage Theory | - | David Ricard |
| c) Comparative Advantage Theory | - | Hecksher-Ohlin |
| d) Product Life Cycle Theory | - | Adam Smith |

B. The Relative Production of Factor Endowment Theory are -----, -----, -----**C. Match of the following:**

- | | | |
|------------------|---|-----------|
| a) Geneva Round | - | 1973-1979 |
| b) Dillon Round | - | 1962-1967 |
| c) Kennedy Round | - | 1955-1956 |
| d) Tokyo Round | - | 1960-1962 |

D. A total number of participating countries in the Uruguay Round is -----**E. Amongst the following which one of the Part of GATT describes Trade and Development**

- | | | | |
|-----------|------------|-------------|------------|
| a) Part I | b) Part II | c) Part III | d) Part IV |
|-----------|------------|-------------|------------|

F. Amongst the following which is the underlying characteristics of the WTO?

- It facilitates economic co-operation between different countries.
- It encourages the more trade and economic development in developing and least developed countries
- It acts an umbrella institution that regulates the agreements concluded at the Uruguay round and promotion of free international trade
- It resolves disputes between economic trade blocks

G. Amongst the following which is NOT a covered agreement of Marrakkash Agreement

- a) Trade Related Aspects of Intellectual Property
- b) Trade Related Investment Measures
- c) United Nations Convention on Trade and Development
- d) Agreement on Agriculture

H. Arrange the following Ministerial Declaration in chronological order, using the codes given below:

- i) Singapore Ministerial Declaration
- ii) Doha Ministerial Declaration
- iii) Cancun Summit
- iv) Bali Summit

Codes:

- | | |
|---------------------------|---------------------------|
| a) (i), (ii), (iii), (iv) | b) (i), (iii), (ii), (iv) |
| c) (i), (iv), (ii), (iii) | d) (ii), (i), (iii), (iv) |

I. **Assertion (A):** The World Trade Organisation Dispute Settlement Understanding is expected to preserve the rights and obligations of the contracting states of the covered agreements.

Reason (R): Covered agreements of the World Trade Organisation are the only source for World Trade Organisation Dispute Settlement Understanding.

Codes:

- (A) Both (A) and (R) are true, and (R) is the correct explanation of (A).
- (B) Both (A) and (R) are true, but (R) is not correct explanation of (A).
- (C) (A) is true, but (R) is false.
- (D) (A) is false, but (R) is true.

J. Expand UNCTAD -----

PART – B (2 X 5 = 10 Marks)

Answer any TWO Questions of the following not exceeding 300 words each. Each Question carries equal marks:

2. Government of India has adopted a policy to provide subsidies with intent to encourage the local sugar cane producers. Aggrieved by the decision, the sugar exporters have contended that the Domestic Supportive Measures (DSM) exceeding 10% of the value of the production of sugar is violating the provisions of the WTO Rules on Agriculture.

Analysing the above facts answer the following questions:

- A) What do you mean by Subsidies?
 - B) What do you mean by Quantitative Restrictions?
 - C) Whether the provisions of Agreement on Agriculture are binding ones?
 - D) Are there any limitation on Domestic Supportive Measures in the GATT-WTO regime?
 - E) Which Department is responsible for implementing policy regarding sugar subsidies?
3. The net fishing with advanced technology has created many problems including the indirect catching and killing of many dolphins. United States of America has imposed trade embargo on yellow fin tuna importing from Mexico and importation of commercial fish or fish products which have been caught with commercial fishing technology which results in the incidental kill or serious injury of ocean mammals in excess of United States standards. Aggrieved by decision, it was claimed that the unilateral measures adopted by the United States of America is unnecessary and indirectly compelling the importing states to follow the measures that clearly violates the purpose and principles of the GATT. The United States of America contented that such unilateral measures are necessary to conserve the natural resources for ensuring better sustainability between generations. Whether the contention made by the United States of America is valid? Substantiate your answer by referring relevant provisions of the GATT.
 4. Comment upon Certain Measures Relating to Solar Cells and Solar Modules, WT/DS456/AB/R, 2016.

PART – C (3 X 8 = 24 Marks)

Answer any THREE Questions of the following not exceeding 600 words each. Each Question carries equal marks:

5. What you mean by Most Favoured Nations (MFN) Clause. Examine the provisions relating to exceptions to the MFN in the General Agreement on Tariffs and Trade (GATT).
6. *“At the WTO, it's never a general surgery. It's always a very specific, clinical, precise surgery - and you can't miss the target. If you miss the target, you kill the patient. It's as simple as that - Roberto Azevedo*

Critically evaluate this statement by referring the contribution of Geneva Round to Uruguay rounds of the World Trade Organisation.

7. The World Trade Organisation (WTO) has paved the way for further liberalization of international trade with fundamental shift from the negotiation approach to the institutional framework through transition. Examine this statement by referring the Organisation Structure, Power and Function of the WTO.

8. A) Analyse Power and Function of the International Centre for Investment Disputes (ICSID).
- B) Describe the procedure for quantifying and awarding compensation for Expropriation of foreign investments.

“The Agreement the Establishing Dispute Settlement Understanding of the World Trade Organisation (WTO-DSU) imposes Limitation to resolve the conflict between contracting parties to the WTO-DSU”. Evaluate this statement referring the relevant provisions of the Agreement the Establishing the Dispute Settlement and describe various stages with its timeline of Dispute Settlement of the WTO-DSU.

PART – D (3 X 2 = 6 Marks)

Answer any THREE Questions of the following not exceeding 50 words each. Each Question carries equal marks:

9.

- A. Explain the stages of Product Life Cycle Theory
 - B. Distinguish Tax and Tariff
 - C. Write a note on Covered Agreements
 - D. Unilateral Trade Measures
 - E. Anti-Dumping and Countervailing Measures
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF INTERNATIONAL ORGANISATIONS

Time: 2½ Hours

Maximum Marks: 50

Answer any FIVE of the following questions (5 X 10 = 50 Marks):

1. The pace and design of institutional law-making in various inter-governmental organizations are hugely impacted by the voting rules prevalent in a respective organization. International organizations use a bewildering variety of voting rules—with different thresholds, weighting systems, veto points, and other rules that distribute influence unequally among participants. Provide an overview of the evolution of voting rules in international organizations and the impact that they had upon the decision making in those organizations. Also, critically analyze a new voting system – quadratic voting – that has been recently proposed to increase the efficiency of decision making in international organizations.
2. International Organizations have, thus far, enjoyed near absolute immunity before other international, regional and domestic forums. What sources may provide the framework outlining the legal nature of immunity enjoyed by international organizations? To what extent does the immunity granted to international organizations impinge upon the individual's right to a remedy under international law? Also, briefly outline the relationship between the immunity from jurisdiction and the immunity from enforcement in cases involving international organizations.
3. In the increasingly inter-connected world that we live in, it has become absolutely necessary to secure the accountability of inter-governmental organizations so that they may not escape from their responsibility citing an internationally binding legal instrument. However, the concept of accountability is quite vast and complex than is what usually understood in international law. Accountability also provides a way for international organizations to take responsibility for developing policies and procedures, for

shaping mission and values, and for assessing performance of the organization in relation to the goals that they have set for themselves. In light of this statement, briefly outline the various kinds of accountability in international law and the principle aims and the processes of securing accountability of international organizations. What role do you see for domestic courts in pitching the gap to secure the accountability of international organizations?

4. Despite the shortcomings, the literature on Global Administrative Law (GAL) is making a unique contribution to the progress of administrative law scholarship around the world. The literature on is at present not unified, but this body of law is increasingly determining the patterns of global governance in a range of policy areas. However, GAL is often accused of being a mere technocratic governance which does not involve civil societies in its evolution. In light of this criticism, does a pluralist Global Administrative Law present an alternative to problematic domestic models for ensuring accountability in the circumstances of global governance?
5. Constitutionalization in public international law suggests that international law and its suborders have reached a degree of objectivity in order to limit state sovereignty like a constitutional order. In your opinion, to what extent the international legal system has constitutional features comparable to what we find in international law? Do you support the constitutional doctrine in public international law scholarship that tries to put public international law on constitutional foundation? What are the principle arguments advanced by global scholars for and against putting public international law on a constitutional foundation?
6. The ever-expanding body of public international law is encroaching two bodies of law – private international law and prevalent municipal law in nation-states. This trend has led us to a situation where there is a growing threat to the latter two bodies of law by public international law. To what extent the growing publicness of public international law impinges upon the rights of private parties, including individuals, as they are not a primary subject of public international law, although legalization of public international law principally aims to safeguard and advance the rights of global community of people.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

LAW OF INDIRECT TAXATION

Time: 2½ Hours

Maximum Marks: 50

PART – A (3 X 10 = 30 Marks)

Answer ALL the questions:

1. Define Supply and what are the necessary element that constitute the deemed supply and negative supply under the Central Goods Service Tax Act, 2017.
2. **Answer the following questions:**
 - a) What are the method of valuation involved in the Central Goods and Service Tax Act, 2017 and the Integrated Goods and Service Tax Act, 2017?
 - b) Write short notes on the issues and problem of input service distributor while claiming the Input tax credit.
3. Examine the concept of Anti-dumping duty by referring the provision of Anti-dumping measures under the WTO agreement.

PART – B (4 X 5 = 20 Marks)

Answer ALL the questions:

4. What are the methods of transfer of the input tax credit with relevant judicial precedent under the Integrated Goods and Services Tax Act, 2017?
5. Write short notes on procedure involved in clearance of goods in import and export.
6. What are the things coming under the purview of prohibition on importation and exportation of goods under the Custom Act, 1962?
7. Explain the concept of exemption under the Custom Act, 1962 with judicial precedents.

Name : Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

ADVANCE COURSE ON PATENT LAW

Time: 2½ Hours

Maximum Marks: 50

Instructions:

- Bare Acts and electronic gadgets are not allowed.
- Quote relevant cases and statutory provisions wherever necessary.
- Use IRAC method for solving problem-based questions.
- Answers without the question number shall be marked as zero.

PART – A (2 X 10 = 20 Marks)**Answer any TWO of the following in not less than 800 words:**

1. Whether patent is a monopoly? State in brief the development of patent law under the Venetian, British, American and Indian legal system.
2. What are 'utility patents' or 'petty patents'? State the differences between patents and utility model. Do you think that India needs a utility model framework? If so, enumerate the points to be considered for its protection in India.
3. Critically examine the doctrine of 'willful infringement' under U.S. Patent Law and analyse whether 'Patent Infringement should be treated as criminal conduct' amid the growing global trend of 'efficient infringement' of patents in spite of the present remedies under the Indian Patent Act, 1970 in the light of Article 61 of TRIPS Agreement?
4. Examine the criteria for issuance of different compulsory licenses under the Indian Patent Act, 1970 and critically comment on the recent trend of continued rejection of compulsory licence applications in India.

PART – B (2 X 10 = 20 Marks)**Answer any TWO of the following:**

5. Face Note, a popular social networking website filed a patent application for an invention relating to a method for providing a third party with the access to user-profile data maintained by it. The invention generally relates to social networking and more specifically to personalizing a third-party application

based on user-specific data from a social network. The third-party applications are run within the social networking website and can extend its functionality by providing users with new and interesting ways to communicate, collaborate and interact with each other. Face Note in its patent application claimed as follows

“A method comprising of providing access to user profile data maintained by a social network website to a third-party application server, the method comprising:

- i. Receiving, at the social network website, a request to access an application from a user;
- ii. Identifying the third part application server associated with the request;
- iii. Determining a user profile associated with the user providing request to access the application
- iv. Transmitting the user identifier, user data associated with the user identifier to the third-party application server
- v. Evaluating a privacy setting associated with the user profile i.e. data publicly accessible and not publicly accessible
- vi. Comparing the request for data to the privacy setting associated with the user profile.
- vii. Transmitting a subset of data included in the user profile to the third party”

It also claimed that the present invention was not merely a computer program as the said invention “provides technical improvements and benefits like checking privacy setting associated with the user profile”. It is to be noted, the third-party applications include outside businesses which can collect user profile data on grant of permission through this claimed method for targeted advertising of their products to relevant user. Decide as to the patentability of the FaceNote invention under the Indian Patent Act, 1970.

6. Tigtog Furnitures (hereinafter ‘Tigtog’) acquired a patent in India over a study table in 2012 which is claimed as follows, “A movable study table comprising: a flat square piece of wood and four steel rods of equal length to support said flat square piece of wood, wherein, one of the each of said four solid rods are connected to a corner of said square piece of wood, and wherein, each steel rod is supported by a height-adjustable caster at the other end.” Tigtog claimed that the height-adjustable cluster is a new innovation in the furniture industry due to its durability and weight management. Woodmash Furnitures (hereinafter ‘Woodmash’) made a study table having a rotating circular wooden surface with four long circular legs made of wood. The said table is built with height-adjustable cluster which performs similar but not identical to that of Tigtog and connected to wheel assembly. Woodmash started selling their table in India from 2018. Tigtog files as infringement suit against Woodmash. Decide.

7. Aadhavan, a final year engineering student from Trichy invented a device equipped with inbuilt sensors and camera named as 'Drive Watch' which can warn drivers of approaching obstacles and stop the four-wheeler vehicle if the driver does not respond. Distracted driving is one of the lead cause for major road accidents in India. There are different types of distractions. Visual distraction occurs when a driver takes his or her eyes off of the road. Manual distraction involves a driver letting go of the wheel with either hand. Cognitive distraction occurs when a driver's mind is no longer focused on driving, whether or not the road is still in view. Anyone of these modes of distraction increases a driver's risk of crashing a car. This invention monitors all different modes of distraction of a driver during the travel. If detected for distraction then it warns the driver with an alarm and demands his/her immediate response. Any failure to respond within the limited time frame by the driver leads to automatic slowdown of the vehicle engine and the device safely parks the vehicle on a location identified through its sensors. Aadhavan successfully obtains patent from India and other countries. M/s. Mia Motors, an MNC manufactures consumer vehicles shown interest to buy a license of the patented invention from Aadhavan to use it for their vehicles globally. Aadhavan approach you for drafting a license deed in this regard. Draft a suitable 'Patent License Deed'.

PART – C (2 X 5 = 10 Marks)

Write short note on *any TWO* of the following:

8. National Pharmaceutical Pricing Authority
 9. Pharmaceutical Manufacturers' Association of South Africa v. President of the Republic of South Africa, Case No.:4183/98, filed Feb 18, 1998.
 10. Patent Co-operation Treaty, 1970
 11. Patent Opposition under Indian Patent Act, 1970.
-

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2019

CLINICAL – III (PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM)

Time: 2 Hours

Maximum Marks: 30

Answer ALL the questions. Each question carries 10 marks. Individual break up of marks have been indicated in brackets at the end of each question:

1. Write short notes on any TWO of the following: (2 X 5 = 10 Marks)

- a) Brief history of the legal profession in India.
- b) Bar and bench relations.
- c) Powers and functions of the Bar Council of India.
- d) Five fundamental elements of accounting and relevant Bar Council of India Rules on maintenance of accounts of the clients by an Advocate.

2. a) With reference to the Contempt of Court Act, 1971, elaborate on the nature and types of contempt. What are the defences available in a proceeding for criminal contempt?

b) Discuss the facts, issues and judgment in *In Re Arundhati Roy*, AIR 2002 SC 1375

(5 + 5 = 10 Marks)

3. Three-year-old Tiny is admitted to famous Hospital with complaints of severe stomach ache. Junior Resident Doctor 'A' attends to her by giving some painkillers, and subsequently, with an injection, to reduce the pain. However, within a few minutes of giving the injection, Tiny starts having major seizures and has to be rushed to the operation theatre and operated on an emergency basis under the guidance of Senior Surgeon Doctor 'B'. It is then discovered that the seizures had happened due to some wrong medicine being administered by Doctor 'A' - either due to carelessness or inexperience. Tiny's parents, Mr and Mrs Furious, are outraged at the negligence and decides to go and wait at the Hospital Cafeteria till Doctor 'A' comes back from his rounds.

5. With an increase in globalization in all spheres of life, do you find any consistent correlation between quantitative growth of foreign trade and investment on one hand and the indicators of social welfare and inclusive development on the other hand? Do you agree that that the forces of economic globalization have actually widened the existing socio-economic inequalities?
 6. Where did the United Nations come up with the idea of constituting peacekeeping missions when it was not even discussed at the San Francisco Conference and nowhere expressly mentioned in the UN Charter? Discuss the evolution of UN peace operations. What are the three basic principles of UN peacekeeping? From where does UN derive the authority to mandate peacekeeping operations? Briefly discuss the new mandates provided to peacekeeping operations in the post-Cold War era?
-