

TAMILNADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS



REPEAT (EVEN-SEMESTER) EXAMINATIONS,
JULY-2021

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even–Semester) Examinations, July 2021
BIOTECHNOLOGY, GMOS AND THE LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Mr. A enters a super market to buy a pack of Corn. But, he is unable to decide between a Corn pack at Rs. 400 marked as 'GM' (Genetically Modified) and an ordinary Corn pack at Rs. 600 marked as '100% Organic.' Finally, Mr. A purchases the Corn pack for Rs. 600. Like Mr. A, many other consumers rejected 'GM' marked Corn packets owing to uncertainty surrounding the potential health hazards that might arise on consumption of genetically modified food products. As a result, the sale of 'GM' marked Corn packets saw a rapid decline. Unable to bear the loss, the producer of the 'GM' marked Corn packets filed a suit contending that the labelling of GM foods leads to discrimination of food products. Hence, he demanded the court of law to declare all labelling laws to be arbitrary.

As a legal consultant, advise the Organic Corn Manufactures.

2. The proponents of Genetically Modified Foods including Professors Ingo Potrykus and Peter Beyer generally come forth with an argument that, in order to make the respective crop more nutritious, genetically modification is called for, thereby making the consumers more healthy.

Critically analyse the veracity of the claim from the GM Golden Rice and GM Banana cases.

3. The Trade-Related Aspects of Intellectual Property Rights (TRIPS) came into the picture in the year 1994, prescribing the minimum standards of protection. This included *inter alia* the minimum term period of protection, the subject matter to be protected and discarded. Articles 27 to 34 of the TRIPS Agreement deals about the Patent system. Especially, the subject matter of a patent is laid out in Article 27 and 27 (b) excludes plants, animals and essentially biological processes. Modelled on this, across jurisdictions, legislation have been enacted. The Indian Patent Act, 1970 also prohibits plants from being patented under Section 3(j). However, the ongoing

Monsanto case at the X High Court has made the legal fraternity to 'reconsider' the patentable subject matter. In this context, analyse and comment on the future of Patents on Plants with special reference to the Indian context as to what the implications will be

- a) if the verdict of the X High Court favours Monsanto?
 - b) if the verdict of the X High Court goes against the interest of Monsanto?
4. The Department of Biotechnology functioning under the aegis of the Ministry of Science and Technology and the Genetic Engineering Appraisal Committee functioning under the Ministry of Environment, Forest and Climate Change only leads to confusion on procedural, legal and administrative issues relating to Genetically Modified Organisms (GMOs) and its allied areas. Evaluate this statement, thereby commenting on the liability framework surrounding the GMOs in India.
5. The Plant Variety Protection Act, 2001 is nothing but an old wine in a new bottle, catering more on the needs of the breeders than the farmers. In addition, the Draft Seed Bill, 2019 has also made its pro-breeder stance explicitly clearer. All these documents directly or indirectly lays a trap to the rights to farmers, forcibly making them to adapt to the technological 'revolution,' only to be slaves for life-time to Bio-tech companies. At this juncture, discuss on the way forward for the voiceless farmers who end up committing suicides, unable to break free from the vicious cycle of helplessness and poverty.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. India's Bio-safety Clearing House system has not lived up to the mandate, as stipulated under the Cartagena Protocol on Biosafety, to which India is a signatory. Test this hypothesis on merits.
 7. A decision was taken by the Ministry of Environment, Forests and Climate Change on March, 2021 to halt the field trials of *Bt* Brinjal. It is considered a regressive step towards the advancement of Genetic Engineering. Justify or criticize the observation with cogent reasons.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even-Semester) Examinations, July 2021

PROPERTY LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

Instructions:

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

PART – A (5 x 12 = 60 marks)

Answer the following questions:

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

In light of the same, answer the following:

- (a) Is the gift deed duly attested? (3 Marks)
- (b) If the gift deed is valid,
 - i. Who all have a vested interest in Azin's property? (3 Marks)
 - ii. Who all have a contingent interest in Azin's property and what is the contingency? (3 Marks)
 - iii. If Ben and Rima pass away before the contingency is fulfilled, are the grand children entitled to the property by virtue of the gift deed? (3 Marks)

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

In light of the given facts,

(a) Frame the relevant issues of law (6 Marks)

(b) Determine who will have the title and possession of the property (6 Marks)

Laws in Wakhand are parimateria with India

3. Aksh owned a lake at Pulikat. In 1945, Aksh transferred the right of fishing from the lake to Bano for a period of 10 years. The transfer was effected through a written document signed by Aksh, Bano and Cyris, who is a friend of Aksh and Bano. The lake was subsequently acquired by the government in 1950. Explain if Bano has any proprietary interest in the lake so as to claim compensation from the government.
4. Xavie required Rs. 30 lakh for his wife's treatment. Due to shortage of money, he decides to enter into an agreement with Yasak that Yasak should lend him Rs.30 lakhs and in return he would transfer his flat worth Rs. 60 lakhs to Yasak conditionally, condition being if the amount is returned within 5 years from the date of deed, the transfer would become void and in case there is failure of repayment within due date, the sale would become absolute in favour of Yasak. Yasak puts a condition in the deed that Xavie cannot get his property after the due date. As the requirement of money was urgent, Xavie agrees to the condition and the deed is executed and registered. Xavie could not repay the money within five years although he is now willing and is trying to repay.

In light of above facts, answer the following-

- a) Describe the nature of the transfer that took place between Xavie and Yasak and differentiate it with sale with condition of repurchase? (4 marks)
- b) Explain the remedy available with Yasak due to non-payment by Xavie. (4 marks)
- c) Is the condition put by Yasak valid? Explain giving appropriate reasons. (4 marks)

5. Critically comment on the validity of the General Power of Attorney Sale in light of landmark judgments. Examine the socio-economic implications of such transfer of property in the Indian context.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Riam had a money lending business. He gave Rs. 20 lakhs to Siam for starting a business by Siam. He was supposed to return the money within a period of 5 years. Siam had secured his debt with his house. Siam's business failed and he did not have money to return to Riam. In order to avoid losing his house to Riam, Siam gifted the house to his sister Sitai who was aware of the debt owed by Siam to Riam.

In light of the above facts, what action can Riam take against the said transfer? Explain by elaborating upon the relevant provisions under the Transfer of Property Act, 1882.

7. Rupesh was married to Renee. Renee owned many real estate properties. During their marriage, Rupesh handled all of Renee's property matters with her full consent. He took all decisions regarding the properties, collected rent, paid taxes and his name appeared in the revenue records. Rupesh without the permission of Renee sold one of her flats in Mumbai to Raveena who was under the belief that Rupesh is the owner of the property. Rupesh and Renee got divorced and Renee now wants the flat sold to Raveena back.

In light of the above facts, what remedy does Renee have against Raveena as per the Transfer of Property Act, 1882.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Even –Semester), July 2021

ADMINISTRATIVE LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. According to Kelsen, “it is not necessary for every legal rule to stand on its own. One legal rule is a derivation from another legal rule. However, the grundnorm is an exception to this. It is a stand-alone rule from which other legal rules are derived. Kelsen further states that the grundnorm owes its existence to its popularity. A grundnorm must necessarily be willfully accepted by the people and must be followed by them. Once such a norm loses popular support, it ceases to exist as a grundnorm and another norm is deemed to be a grundnorm.” How far India has altered its grundnorm during Covid era? Also, write in detail on the efficient administration performed by the Indian executive authorities during the said pandemic.
2. Elucidate on the ‘Democratic transitions and Global Administrative Law’, where the wave of democratic transitions following the end of the cold war had, for the first-time framed democratisation as an international legal question. Abandoning the ideological gridlock over the question of governmental legitimacy, which had been an inevitable result of the East–West conflict, international actors began to embrace liberal democratic institutions in a variety of settings. From monitoring national elections to condemning military coups to inserting democratic principles in criteria for recognising new states and governments, the international community appeared to view democracy as increasingly central to international law.
3. Mahatma Gandhi says “In this structure composed of innumerable villages, there will be ever widening, never ascending, circles. Life will not be a pyramid with the apex sustained by the bottom. But, it will be an oceanic circle, whose centre will be the individual, always ready to perish for the village, the latter ready to perish for the circle of the villages, till at last the whole becomes one life composed of individuals,

never aggressive in their arrogance, but ever humble, sharing the majesty of the oceanic circle of which they are integrated units. Therefore, the outermost circumference will not wield power to crush the inner circle, but will give strength to all within and will derive its own strength from it." Having the given quote in mind, interpret the characteristic features of local governance and also state why our father of the nation considered local governance of utmost importance.

4. Criticise the socio-political traits of pre and post decisional hearing in countries affected by de coup attempt (violent overthrow of an existing government).
5. The Sidras High Court has orally observed the 'Samy Inquiry Commission' to expedite the report on the death of late and former Chief Minister. As a student of Administrative law, identify and criticize the grey areas provided in the Commission of Inquiry Act 1952 in light of the above appointed Inquiry Commission.

PART – A (2 x 5 = 10 marks)

Answer the following questions:

1. In a gazette notification published by the Ministry of Textiles on the waiver of GST for the selected import and export 'B CATEGORY' of goods. Based on the said notification, the Indian small scale textile industries invested in 'B CATEGORY' goods. The Indian government revoked the notification in 2 months time and claimed no liability for the loss of the Indian small scale industries. As a counsel, defend the small scale industries with the DOCTRINES provided in the Administrative Law.
2. Compare and contrast the landmark Gullapalli and In re-delhi laws cases.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even–Semester) Examinations, July 2021
CLINICAL II (DRAFTING, PLEADING AND CONVEYANCE)

Time: 3 Hours 15 Minutes

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions:

1. The Drafting of Law in Plain Language Bill, 2018 was introduced in Lok Sabha with a view “to establish a legal framework which mandates that all Government Bills and Acts be drafted using plain, clear and concise language in order to maximize readability, eliminate ambiguity and ensure compliance through easy interpretation with a view to enhance citizens’ access and understanding of Laws of India and for matters connected therewith.” Critically discuss some of the techniques of modern legal drafting by which the above vision can be successfully executed.
2. Maria has received a notice of dismissal from employment on account of her pregnancy and is looking for legal guidance on the matter. Draft a short Opinion Letter advising Maria about her next course of action (not more than 2 pages).
3. Adeel has bought a plot of land in Coimbatore and wants to get it registered in his name. Considering the lockdown restrictions, he is not sure if he can travel to Coimbatore for the registration process, and wants his brother Abbas to register the property on his behalf. Draft a special Power of Attorney with necessary clauses to that effect.
4. Rajalakshmi’s grandmother wants to gift heirloom gold and diamond jewellery worth Rs. 15 lakhs to Rajalakshmi on the occasion of her marriage. Draft ONLY the testatum part of the Gift Deed, including a reference to its tax implications.
5. Redraft the following termination clause in 150 words or less –
Termination of Contract: If the Consultant fails to perform any of the services or any of its obligations hereunder during the term of this Agreement, the Company shall have the right to immediately terminate this Agreement with and for cause upon written notice to the Consultant and to recover damages caused by reason of the

breach by the Consultant of its obligations to the extent authorized by law. Notwithstanding any other provision of this contract, in the event that, in the sole discretion of the Company, the sum of all obligations of the Company incurred under this and all other contracts entered into till date exceeds the balance of such contract sources, then this contract shall immediately terminate without further obligation of the Company as of that moment. The determination of the Company as to the date of the termination will be conclusive. The Company will promptly notify the Consultant in writing of the date of termination and the Consultant shall then immediately cease work on the project except for any necessary winding down and coordination with Company, which the Consultant shall perform without further cost to the Company. In the event that this Agreement is terminated under the provisions of Section 17 above, and, at the time of termination, Consultant has rendered a portion of the services for which it has not been paid; Consultant may request payment for such services; provided however, payment for such services shall be made solely at the discretion of the Company. The Company may terminate this Agreement without cause by giving written notice to the Consultant, in which event this Agreement shall be terminated immediately on the date upon which such notice is given.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Repeat (Even –Semester) Examinations, July 2021

LAND LAWS OF TAMIL NADU

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. An undivided Hindu family consists of Husband A, his wife B, and their three sons C, D and E and the wife of C and grandsons F and G. C is a major and D and E are minors. F and G are the minor sons of C. The extent of land held by the undivided Hindu family is 40 standard acres. Find out the surplus land. (8 Marks)

Would it make any difference if the family consisting of Husband and Wife were Christians? Examine in detail referring to the relevant provision/s in this regard.

(4 Marks)

2. "One of the aspects of land reforms is the adequate payment of compensation. On this account, many of the land legislations were challenged, and the courts favoured payment of adequate compensation" – Elucidate the statement in the light of the number of related amendments made to the Indian Constitution.
3. Mr. A and Mr. B are agriculturalists. But, Mr. B does not hold any piece of agricultural land of his own. Since Mr. A was in need of money he mortgaged his agricultural land to Mr. B for Rs. 50,000/- for a period of three years and in this mortgaged deed it had been agreed that as soon as the mortgaged amount was returned with interest to Mr. B, Mr. B had to return the land without making any trouble. But as agreed, Mr. A was unable to repay the amount within the period of three years and hence, Mr. B continued in possession of the property. After five years from the date of mortgage, Mr. A approached Mr. B for the settlement of the mortgage amount. But, to his shock and surprise, Mr. B filed a suit before the civil court seeking temporary injunction against

Mr. A on the ground of application pending before the concerned authority for registering Mr. B as a cultivating tenant of the land in dispute.

Decide the following

- (i) Whether the suit filed by Mr. B is maintainable? (4 Marks)
- (ii) Whether Mr. B can be considered as a cultivating tenant under the Tamil Nadu Cultivating Tenant Protection Act, 1955? Analyse the relevant provisions in this regard and give cogent reasons for your answers.

(8 Marks)

4. Mr. A is a landlord and Mr. B approaches him seeking residential building for lease for a period of five years, from 2014-2019. The lease period ended on 20.03.2019. Even after the period of the tenancy expired, Mr. B does not vacate the building and continued to pay the rent for the premises and it is accepted by Mr. A. Suddenly, on 01.10.2019, Mr. A filed a suit for the recovery of possession under section 21 (2) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 on the grounds that (i) the tenancy agreement is not registered (*due to non-co-operation of tenant*) in accordance with Act, 2017 (ii) the tenancy period expired on 20.03.2019 (iii) the tenant has sublet the lease to Mr. C. On the other hand, Mr. B contends that since the tenancy agreement had not been registered (*due to non-co-operation of landlord*) in accordance with the law within the stipulated period and the tenancy period expired, the application filed is not maintainable and the sub-tenant was also not added as a party to the suit. Further, Mr. B contends that since the tenancy has not been registered with authority, it shall not be taken as evidence.

Decide in detail the issues involved, refer the relevant provisions along with decided case laws, and also decide whether a sub tenant is a necessary party?

5. Mr. X a landlord and Mr. Y a tenant entered in a tenancy agreement whereby Mr. Y agreed to pay a fair rent for the landlord for cultivating his land measuring 5 acres. The fair rent was fixed as thirty percent of the normal gross produce or its value in money. On one occasion, due to the adverse seasonal conditions, the tenant was unable to cultivate and pay the rent to the landlord and the landlord asked the fair rent from the tenant.

Examine

- (i) Whether the landlord is entitled to the rent for the period of cultivation of land due to irregular irrigation? (4 Marks)
- (ii) Whether the fair rent fixed in these facts are in accordance with the law? If not, discuss the remedy available to Mr Y? (4 Marks)

- (iii) What are the yardsticks to be taken into consideration for determining the normal gross produce? (4 Marks)

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. The owner provides an alternative site to the agriculturist in pursuance of the permission granted by the authorized officer under *the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971*. The agriculturist fails to shift to the alternative site. Will he get ownership under this Act? – Decide.
 7. The Tamil Nadu government issued a notification calling for the preparation of the record of tenancy rights of Village X. Based on the notification, Mr. A applied before the record-officer for registration of his name as the tenant in Survey No. 98/1A of the Village X and the draft record was published in the official gazette. As soon as the draft record is published, Mr. B within the stipulated period moved an application for rectification in the draft record on the ground that Mr. A is not a cultivating tenant of the said Survey number and he himself is the land owner and personally cultivating the land in question. During the pendency of the application, Mr. B also filed another petition before the Civil Court praying for a declaration that he is the cultivating tenant. Mr. A contested the petition on the ground of want of jurisdiction. Analyse the relevant provisions of the Act and the relevant judicial decisions.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Repeat (Even –Semester) Examinations, July 2021

GENDER JUSTICE AND FEMINISM

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. *“Women’s subordination and oppression happened to be universal and all pervasive”*. Critically examine this statement in the argument for the need of gender studies.
2. *“Housework is Everyone’s Work – Rhymes for Just and Happy Families”* – Critically examine nursery rhymes through gender lens.
3. *“There is a microscopic difference between male and female, adult and non-adult”* – Critically evaluate the reasoning given in *Harsorav Harsora*.
4. *“LGBTI people are routinely subject to discrimination simply because of who they are; 70 countries continue to outlaw consensual same-sex relationships”*– Critically examine the scope of legitimizing same-sex marriages in India.
5. *“Nature made a mistake, which I have corrected”* - Critically examine the discrimination faced by Trans Gender population in workplace.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. “Law as an instrument of patriarchal oppression” Evaluate.
7. Write a note on Intersectional Identities.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
POLITICAL SCIENCE – (Political Theory and Organizations)

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer all Five Questions. Each Answer should not be less than 400 Words.

1. *“The State is a growth, an evolution, the result of a gradual process, running throughout all known history of man and receding into the remote and unknown past”*- Analyse the statement. Also explain the major changes that have taken place in the State system especially from the beginning of the Twentieth Century.
2. *“Human beings can live better without a government than with it. A government is not at all necessary; in fact it is a positive evil, which should be completely dispensed with”*-Analyse the statement with supportive arguments and examples and also analyse the views expressed against the statement.
3. The doctrines of Natural Rights, Natural Liberty and Natural Equality are now impracticable – Do you agree? Why? Or why not?
4. In view of the point of concentration and distribution of powers, governments may be either Unitary or Federal though some writers have coined a new term ‘Quasi-Federal’ so as to describe a Federal System in which the position of the Central Government is very strong and correspondingly the position of the Units is weak. Taking this idea into consideration identify what form of government India has and substantiate your view.
5. Political thinkers and Statesmen have alike stressed the importance and utility of taking into consideration the reactions and responses of their subjects while formulating and implementing their policies. What do you consider are those important factors which could influence the reasons and responses of the subjects and how they influence? Would there be a difference if they were citizens and not subjects?

PART – B (2 x 5 = 10 marks)

Answer all the Questions. Each Answer should not be less than 200 Words.

6. “Kinship creates Society and Society at length creates the State”- Comment on the statement of MacIver.

 7. “If Society is Federal, Authority should also be Federal”-Analyse the Statement.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021

ECONOMICS-III

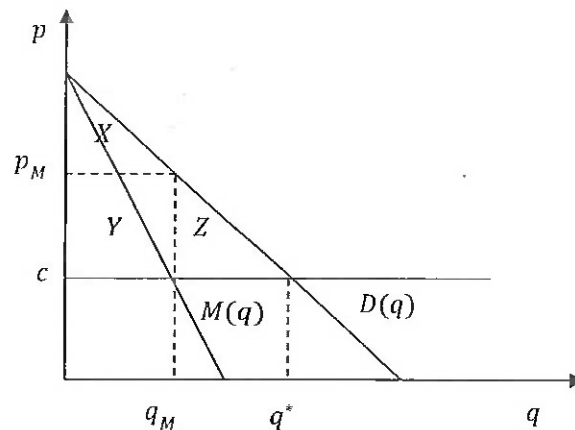
Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Suppose the inverse demand curve is given by $D(q) = \$150 - q$, marginal revenue is $M(q) = \$150 - 2q$, and marginal (=average) production cost is $c = \$50$.



- (a) Assuming that the firm receives a patent that gives it exclusive rights to sell the product, calculate its optimal output, price and operating profit
 Suppose that the fixed cost of developing the new product is $K = \$2000$
- (b) What is the firm's overall net profit, including invention costs (area Y-K)? Will it invest in developing the product?
- (c) Calculate social welfare in the presence of patent
- (d) Does society benefit from the patent?

2. Suppose a law is passed that prohibits farmers from using certain chemical fertilizers because they contaminate ground water. The expected reduction in illness to water users is ₹10 million, but the loss to farmers is ₹8 million.
- (a) Is the law efficient according to the Pareto criterion? Is it Kaldor-Hicks efficient? Explain.
- (b) Now suppose the government taxes water users and uses the revenue to fully compensate farmers for their losses. Is the law now efficient according to Pareto? Is it Kaldor-Hicks efficient? Explain.
3. A train passing a farmer's property emits sparks that sometimes-set fire to the farmer's crops. The crop damage can be reduced, however, if the railroad installs spark arresters on its trains, if the farmer moves his crops, or both. The following table summarizes the cost of the various possible actions, and the crop damage (if any):

<i>Action</i>	<i>Crop damage</i> (\$)	<i>Farmer's cost</i> (\$)	<i>RR's cost</i> (\$)
No action	150	0	0
Farmer moves crops	90	15	0
RR installs arresters	40	0	50
Farmer moves crops and RR installs arresters	0	15	50

- (a) Which action yields the socially optimal outcome?
- (b) What action will result under a rule of no liability? (Assume here and in subsequent questions that bargaining costs between the RR and farmer are high.)
- (c) What action will result under a rule of strict liability?
- (d) What action will result under a negligence rule where the due standard of care for the RR is to install arresters?
4. Suppose Ramesh owns a Picasso that he values at ₹2000000, but Santhosh offers ₹2100000 to buy it and they reach an agreement. However, before Santhosh actually takes possession, Arun offers ₹2500000 for the painting and Ramesh sells it to him.
- (a) Was there a valid contract between Ramesh and Santhosh?
- (b) If so, what would the court need to know to compute the expectation damages owed to Santhosh? Is it necessarily true that breach is efficient here?
- (c) Describe the likely outcome under a specific performance remedy?
5. Consider a crime that, if committed, would impose a cost of \$100 on the victim. Suppose that there are two potential offenders, one who gains \$40 from the crime and one who gains \$80. Assume that the probability of apprehension is fixed at 0.5.
- (a) Is it efficient for either of the offenders to commit the crime?

- (b) Suppose the fine is set equal to the actual harm (that is, $f = \$100$). Will either of the offenders commit the crime?
- (c) Calculate the optimal harm-based fine and show that it achieves the efficient outcome.
- (d) Calculate the optimal benefit-based fine for each offender and show that they also achieve the efficient outcome. (Assume that when indifferent, offenders do not commit crimes.)

PART – B (2 x 5 = 10 marks)

Answer the following questions:

- 6. Use the theory of transaction costs to justify protecting the following rights by injunction or damages:
 - (a) A landowner's right to exclude from his property a neighbour's gas line.
 - (b) A new car owner's right to have her car's defective transmission replaced by the seller.
 - (c) A homeowner's right to be free from air pollution by a nearby factory.
 - (d) A spouse's right to half the house on divorce.

- 7. Suppose that a drug dealer can earn \$1,000 from selling drugs illegally and that the probability of apprehension is 0.25.
 - (a) Show that a penalty requiring drug dealers to surrender their profits in the event of conviction will fail to deter them.
 - (b) What is the lowest fine that will just deter the drug dealer?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021

ENGLISH-II / BUSINESS ENGLISH-II

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Critically examine the conflict between individual identity and state laws with special reference to *Antigone* and *A Doll's House*, and also discuss how Nora and Antigone maintained their identities in their patriarchal society.
2. Attempt an argumentative essay by considering Henrik Ibsen's *A Doll's House* as a Domestic tragedy.
3. Explain the significance of the word-for-word approach and the sense-for-sense approach in the act of translation.
4. Attempt a critical note on Plato's objections and Aristotle's defence on poetry.
5. "Literary texts act as a resource for stimulating language activities". Discuss.

PART – A (5 x 2 = 10 marks)

Answer the following questions:

6. Comment on Antigone's sense of "civil disobedience" in the play *Antigone*.
7. Describe a dramatic setting of a courtroom trial and its legal aesthetics by considering any literary texts that you studied.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Repeat (Even –Semester) Examinations, July 2021

ADVANCED COURSE ON COPYRIGHT LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. "The statute of Anne was the only statute that was drafted with a foresight and considered all the plausible futuristic consequences of granting proprietary rights to the publishers and the book sellers." – Comment.
2. "Broadly reproduction means copying and does not include cases where an author or compiler produces a substantially similar result by independent work without copying. If he does copy, the question whether he has copied a substantial part depends much more on the quality than on the quantity of what he has taken. One test may be whether that part he has taken is novel or striking, or merely a common place arrangement or ordinary words or well-known data. So it may sometimes be a convenient short cut to ask whether the part taken could by itself be the subject of copyright. But, in my view, that is only a short cut, and the more correct approach is first to determine whether the plaintiff's work as a whole is "original" and protected by copyright, and then to inquire whether the part taken by the defendant is substantial. A wrong result can easily be reached if one begins by dissecting the plaintiff's work and asking, could Section A be the subject of copyright if it stood by itself, could Section B be protected if it stood by itself and so on.... Indeed, it has often recognised that if sufficient skill and judgment and have been exercised in devising the arrangements of the whole work, that can be an important or even decisive element in deciding whether the work as a whole is protected by copyright." – Lord Reid (*Barbara Taylor Bradford v. Sahara Media Entertainment*, 2004 (1) CHN 448, 2004 (28) PTC 474 Cal, 2003 47 SCL 445 Cal) Critically comment on the opinion of Lord Reid and State how originality must be construed in a work?
3. "*Compulsory Licensing and statutory licensing of copyright is opposed to the basic foundations of the copyright Law and contrary to the constitutional rights provided*

under the Indian Constitution” – Critically evaluate this statement referring to the relevant provisions of law and judicial decisions.

4. What are the tests used to identify copyright infringement in Movies and Songs? Analyse the Indian Jurisprudence with regard to the application of the tests to all category of works uniformly to all types of Copyrighted works?
5. State whether the intermediaries can claim the safe haven of safe harbour exception for online copyright infringement.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Do performers have protection under the copyright regime? If so, mention whether magicians, acrobats, snake charmers are performers and mention the rights available to them.
 7. JS is choreographer who is working in the upcoming Movies “Vibsham”, can he claim copyright for his choreographic works in the movie?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Repeat (Even –Semester) Examinations, July 2021

FINANCIAL MANAGEMENT

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. From the following information, calculate (a) PBP (b) NPV and (c) IRR of the two project and suggest which of the two projects should be accepted. The discount rate is 10%.

Particulars	Project X	Project Y
Initial Investment	Rs.20,000	Rs.30,000
Estimated Life	5 Years	5 Years
Scrap Value	Rs.1000	Rs.2,000

The profits before depreciation and after taxation (cash flows) are as follows:

Projects	Year 1	Year 2	Year 3	Year 4	Year 5
X	5,000	10,000	10,000	3,000	2,000
Y	20,000	10,000	5,000	3,000	2,000

2. The board of directors of Aravind mills limited requests you to prepare a statement showing the working capital requirements for a level of activity of 30,000 units of output for the year. The cost structure for the company's product for the above mentioned activity level is given below.

Particulars	Cost per Unit Rs.
Raw Material	20
Direct Labour	5
Overhead	15
Total	40
Profit	10
Selling Price Per Unit	50

- (a) Past experience indicates that raw materials are held in stock, on an average for 2 months
 - (b) Work in Progress (100% complete in regard to materials and 50% for labour and overheads) will be half a month's production.
 - (c) Finished goods are in stock on an average for 1 month
 - (d) Credit allowed to suppliers : 1 month
 - (e) Credit allowed to debtors: 2 months
 - (f) A minimum cash balance of Rs.25,000 is expected to be maintained.
- Prepare a statement of working capital requirements.

3. Calculate the operating, financial and combined leverage under situations 1 and 2 and the financial plans for X and Y respectively from the following information relating to the operating and capital structure of a company, and also find out which gives the highest and the least value ? Installed capacity is 5000 units. Annual Production and sales at 60% of installed capacity.

Selling price per unit Rs. 25

Variable cost per unit Rs. 15

Fixed cost:

Situation 1 : Rs. 10,000

Situation 2 : Rs. 12,000

Capital Structure:

Particulars	Plan X (Rs.)	Plan Y(Rs.)
Equity	25,000	50,000
Debt (cost 10%)	50,000	25,000
	75,000	75,000

Comment the results of Operating , Financial and Combined Leverage.

4. ABC Ltd. has a capital of Rs. 10,00,000 in equity shares of Rs. 100 each. The shares are currently quoted at par. The company proposes to declare a dividend of Rs. 10 per share at the end of the current financial year. The capitalization rate for the risk class to which the company belongs is 12%.

Assuming that the company pays the dividend and has net profits of Rs. 5,00,000 and makes new investments of Rs. 10,00,000 during the period, how many new shares must be issued? Use the MM Model and test the hypothesis of MM.

5. As a financial manager of a sugar mill, how can you calculate the operating cycle period for your company? Explain with imaginary figures.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. “Arrangement of funds by issue of Preference shares and Debentures will increase the financial burden of the Institution” – Critically examine the statement.
7. The projects – A, B, and C, with each project having initial cost of Rs.10 Crore. Invest A offers an expected rate of return of 14%, B of 6% and C of 10%. The company’s cost of capital is 7% if it borrows Rs.10 Crore, 9% if it borrows Rs.20 Crore, and 13% if it borrows Rs.30 Crore. Which project is suitable for you?
-

Present Value and Future Value Tables

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

Table with 21 columns (Period 1 to 30) and 21 rows (1% to 30%). Each cell contains a numerical value representing the present value interest factor for a given rate and period.

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

Table with 21 columns (Period 1 to 30) and 21 rows (1% to 30%). Each cell contains a numerical value representing the present value interest factor for an annuity at a given rate and period.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**B.A. LL.B. (Hons.) Degree Programme****Repeat (Even –Semester) Examinations, July 2021****HISTORY –II /LEGAL HISTORY**

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)**Answer the following questions:**

1. Warren Hastings was impeached by the House of Commons for judicial murder in India. Critically comment on the statement by referring the relevant case.
2. “The reason for conflict between Supreme Council and Supreme Court was due to their undefined powers”. Examine this statement by referring the relevant historical cases in this regard.
3. No Mohammedan would be convicted capitally on the evidence of an infidel. Evaluate this statement and critically commend how far it is relevant for the reformation in Mohammedan criminal law in colonial India.
4. The reason for the enactment of the Indian High Court Act of 1861 was due to the uncertainty existed in respect of the jurisdiction of the Crown’s court and East India Company’s court in many aspects. Do you agree? Elaborate your answer with cogent reason.
5. Indian legal practitioners were not allowed to practice in all the courts which were accessible to Englishmen in the second half of 19th century. Critically analyze by supporting your answer.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Critically examine the contemporary issues and challenges regarding the Legal Education in India.
 7. Examine how far the Legal Practitioners (Women) Act of 1923 paved way for the empowerment of women in legal field.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Repeat (Even –Semester) Examinations, July 2021

SOCIOLOGY–II (Research Methods in Social Sciences)

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Explain the different types of Probability sampling methods/techniques with suitable examples/studies in every day research.
2. Imagine yourself as a researcher who is interested to study the livelihood of kindergarten school teachers in your town during COVID 19. How will you design a research framework, and an interview schedule?
3. If you are given an opportunity to study the Toda tribe of Nilgiris, what kind of Observation techniques that you will use to study them and how? Provide examples
4. What are research ethics? How will you apply them in a sociological study of a farmers market in your village or town?
5. How do you understand positive science? Is Sociology a Positive Science? Justify your response

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Illustrate the differences between bar diagram, Pie Charts, Histogram and Polar area graph with a suitable example
7. What are Ordinal and Nominal Variables in Social Research? Explain with example.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Repeat (Even –Semester) Examinations, July 2021

CONSTITUTIONAL LAW -II

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. What is the value of the dissenting opinion in the following cases? Critically evaluate them and decide whether instead of the majority judgment, the dissents reflect the position of law as it ought to be.
 - a. *P.V Narasimha Rao v. State*, AIR 1998 SC 2120.
 - b. *Kihoto Hollohan v. Zachillhu*, 1992 Supp. (2) 651.
2. Here are a few statements with respect to *Gujarat University v. Krishna Ranganath Mudholkar* AIR 1963 SC 703. Pick the combination of true statements and explain your choices with reference to how Courts use harmonious construction, pith and substance and colourable legislation in the context of the Seventh Schedule.
 - a) Both the Parliament and the State Legislatures may legislate on Medium of instruction.
 - b) The Parliament has no power to set the syllabus or the courses in State Universities.
 - c) When the Medium of instruction is directly connected to the coordination and determination of standards, then the Parliament has the power to legislate and not the State.
 - d) The State can never set a regional language as a medium of instruction in Universities.

- e) The Parliament's exclusive power on education should be read to its full extent and not restrictively.
3. Does the concept of Constitutionalism apply to the Supreme Court of India? Critically evaluate and bring out the relationship between Judicial Independence and Judicial Accountability.
4. Does the Indian Constitution truly subscribe to the Doctrine of Pleasure? Identify which appointments under the Constitution are subject to the Doctrine of Pleasure and trace its origin and current status in India referring to the relevant judicial decisions.
5. Can Emergency be declared in any of the following situations? Identify which kind of emergency, and support your decision with reference to judicial decisions:
- a) Post-elections, there was no party with a clear majority in Maharashtra. Two parties X and Y finally came together to form the government. However the Governor received reports that Party X had through corrupt means convinced members of Party Y to join forces with them.
- b) After the passage of a controversial Act on Citizenship, widespread and sustained protests took place in many parts of the country. The protests have been largely peaceful but have also seen a considerable amount of violence.

PART – B (10 marks)

Answer the following questions:

6. Bring out how each pair of concepts are related to each other:
- a) Federalism and Human Rights (5 Marks)
- b) Entry Taxes and Freedom of Trade, Commerce and Intercourse(5 Marks)
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme****Repeat (Even –Semester) Examinations, July 2021****SOCIO ECONOMIC OFFENCES**

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)**Answer the following questions:**

1. Raghavan is an MLA from Sampurna District. On 23rd May, 2021, one contractor named Sarveswara, went to his residence and offered him 1 Lakh Rupees and requested him to give him a license for the construction work. Initially, Raghavan refused to take it, but later he received it as Sarveswara insisted on him doing so. Evaluate the criminal liability of both parties under the Prevention of Corruption Act, 1988 with legal provisions and judicial decisions.
2. Swamy is working as a Mechanical Engineer in Dubai while wife Ms. Sumita, and their two children are residing in India. Every month Swamy sends 10,000 Dirhams to his family through an agent named Bhanwar, who resides in Dubai. Bhanwar's younger brother, Chanwar, who resides in India, received the money and delivered it to Ms. Sumita. Examine the criminal liabilities of Mr. Swamy, Bhanwar, and Chanwar. Support your answer with proper legal justification if any.
3. Raja, aged 17 years, is a resident of Manikanta village. On 16th June, 2021 he was travelling by train to Tirunelveli. After getting down from the train, a Sub-Inspector who was present on the platform to check smuggling and other antisocial activities, on suspicion, nabbed him and found that he was carrying poppy straw weighing 7 kgs in his bag. On an enquiry, Raja stated that he had no idea how the poppy straw came into his bag and blamed his co-passengers. Has he committed any offences under the NDPS Act? Justify your answer with legal provisions and decided cases.

4. Bhatia is a Surgeon at the Government Hospital, Trichy and he also works for many leading private nursing homes in the town and engages himself most of the time in critical surgical operations. The money he has earned from those nursing homes was invested in purchasing shares of a company situated in Singapore. Has he committed any offences? Give reasons to support your answer.
5. Sanu has a fast food stall near Trichy Central Bus Stand Terminal. Near the bus stand, many people come to his shop for snacks every day and he gets so much profit in his business. On 12.07.2021, food inspector, Mr.Rajesh, visited his shop and found the oil he was using was misbranded. Sanu explained that he has been using this oil for the past 5 years and has never received any complaints from customers that they fell sick. Whether Sanu is liable for a Socio Economic offence? Justify your answer with appropriate legal principles and decided case laws.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. "Every accused should be presumed to be innocent until proven guilty." Justify the statement by enumerating relevant provisions under the Prevention of Money Laundering Act, 2002.
 7. Clearly, bring out the distinction between 'traditional offences' and 'Socio Economic Offences' and critically examine the role of *mens rea* in Socio Economic Offences with the help of landmark cases.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
ENVIRONMENTAL LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. Bhawani Pvt. Ltd., is a mining company working in Navlur. The Company is mining in this area for more than 15 year. The company has won many national and International awards for taking eco-friendly measures in conducting mining. The Company has been given mining rights in 1500 acres in addition to its existing mining rights in 2017.

Forest Dwellers in the area use the minor forest produce for their livelihood. They had applied for community forest rights title under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in 2018. The additional land which has been given to the company is on the 150 acres recognised under community forest rights of the forest dwellers.

The State government has duly recognized the rights of the forest dwellers over the forest produce in 2019. While entering into the forest on 21/07/2021, the forest dwellers found out there is notice board by the company, stating that their entry is prohibited in the Forest.

In the light of the above mentioned facts identify the right of each party for the continuing their activity in the area and what will be probable outcome if issue goes to any judicial forum. Give your answer with reasoning.

2. An actor turned environmental activist Mahi Chawala filed a PIL before the Supreme Court against the Union Government for the rollout of 5G technology in without proper scientific study. In her plea, had sought a scientific study of any adverse effects of radio-frequency radiation emitted by cellular telecommunications using 5G

technology on 'health, life, organ or limb of adult or child, or to flora and fauna' before its official rollout in the country.

It has been contended by the Union Government that rolling out of the 5G technology is a matter of policy and it is the need of the hour for the development of the Country.

In light of the facts, advise both the parties having the environmental principles in mind. Also, explain the environmental procedures that should have been complied with before rollout of the technology.

3. Softdrink India Private Limited is a newly incorporated softdrink manufacturing company. It plans to set up a manufacturing unit in a village called Vannagovind which is surrounded by lakes and rivers.

What is the environmental clearances procedure that should be followed before it start functioning? Advise the company as to the measures it should take to prevent pollution and ensure compliance with the environmental laws in India.

4. Pandemic, the most sensitive term in the year 2020 impacted the whole universe including the natural resources, humans, environment, wildlife etc., Having said that, comment on the existing/altered structure of international environmental jurisprudence.
5. Petro Chemicals Private Limited (herein after called Petro Chemicals) is a company which manufactures pesticides and insecticides. Four of its manufacturing units are located in a small town called Dhurgapur and Vellora. The State Pollution Control Board allowed for the units to be set up as it was satisfied with the compliance of safeguards required under the environmental laws. However, further timely inspections to check compliance with the laws have not been done. As a result, the toxic wastes from the units were left to be absorbed by the earth causing ground water pollution. The soil also became unfit for cultivation. The cases of poisoning, skin diseases and water borne diseases are on a rise in the town. It is has thus become a nuisance for the residents of the locality as they primarily depend upon these water bodies for drinking purposes, agriculture and other daily needs. Some of the residents of the locality approach you for seeking advice about the legal remedies available for the problems they are facing.

In light of the same, answer the following:

- a) What are the remedies available to the residents of Dhurgapur and Vellora for the environmental degradation taking place in their locality? Answer in light of statutory and non-statutory civil and criminal laws in India.

-
- b) Examine the role of the State Pollution Control Board in preventing environmental degradation?

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. Explain the constitutional obligation of the State to protect the environment.
 7. Explain Principle of Common but Differentiated Responsibility in International Environmental Law.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
SOCIOLOGY – III (Law and Society/ Sociology of Law)

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. Explain theoretical and practical rationality with suitable examples from everyday life. Are they different? How and why?
2. How does the emergence of Human Sciences define Normality in our present day society? Explain with examples from criminology, social psychology and medical sciences.
3. "*Ideology is a product of class*". Do you agree? Justify your stand.
4. Do you think our society has moved from Repressive laws to Restitutive laws? Explain with appropriate examples.
5. Has the Modern Prison become a part of 'Discipline' as monitored by State? How and why?

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. Analyse whether Law as a field of knowledge is a creation of the dominant class?
 7. Explain the difference between Rationality and the process of Rationalization.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
POLITICAL SCIENCE – II (Political Obligation)

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer all Five Questions. Each Answer should not be less than 400 Words.

1. "Subjects should disobey the government so long as the probable mischief of obedience are less than the probable mischief of resistance...taking the whole body together it is their duty to obey, just so long as it is in the interest and no longer"- Critically analyse the statement.
2. "There can be no general obligation to obey the law because any such obligation would violate the primary obligation of autonomy, which is the refusal to be ruled"- Analyse the statement and identify the pros and cons of the idea if be put into practice.
3. Evaluate the arguments put forth by Bikhu Parekh in terms of differentiating between Legal, Civil and Political Obligations. Can the difference be justified in modern liberal democracies? Give your arguments.
4. "The State is the product of Human Consciousness. Human Consciousness postulates Liberty, Liberty involves Rights and Rights demand the State."-Identify the philosopher he has given the above statement and analyze the statement.
5. Write in detail how the colonial nature of the Indian Legal System has impacted the Crisis of Legitimation of Law in India.

PART – B (2 x 5 = 10 marks)

Answer all the Questions. Each Answer should not be less than 200 Words.

6. Why should men obey the State? Why should they obey Authority? When and under what circumstances should they register their disobedience? – State your arguments
7. Explain when and under what conditions Disobedience to Institutions are justified as it was advocated in Vedanta.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
HEALTH CARE LAWS

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. Nila is married to Arnav for past 6 years. Due to medical complications, Nila is unable to conceive and have child. Therefore, both of them decided to approach God's Grace Fertility Clinic. After diagnosing, doctor suggests that through Artificial Reproductive Technique (ART) it's possible to impregnate Nila. Upon hearing this, the couple decided to start the procedure immediately and the procedure is successful in turn Nila is now 3 months pregnant. The doctor who is treating Nila now decides to reveal that they had actually used a sperm donor instead of Arnav's sperm to impregnate Nila due to medical reasons. The couple gets really frustrated with this truth and decides to approach legally against the hospital authorities for their breach of trust. Decide.
2. Mr. Gautham aged 57 years, got admitted in the Thangam Hospital, a private super specialty hospital for his varicose vein surgery. On the due date of surgery the Anesthetist came in and performed the Anesthesia and the surgery proceeded. Half way through the surgery, doctors realized that Mr. Gautham was stirring to consciousness, which led to the alarming situation and heavy blood loss and serious complications in the surgery. This ultimately led to the untimely death of Mr. Gautham. Examine the liability of the medical professionals involved in the surgery and propose an effective remedy.
3. Mr. Sankar and his family lives in Kerala. Mr. Sankar is a Chartered Accountant by profession and his wife is chef in famous Restaurant. They have two children aged 3 and 8 years old. One day, Mr. Sankar receives a call from the school stating that his elder son - Dev is unwell. Mr. Sankar rushes to pick up their son and takes him to the nearby hospital. The hospital runs few tests upon the child and refers the matter to the super specialty hospital called- "Good Health kidney and Gastric super specialty Hospital". After a kidney biopsy, they deduced that Dev's has left kidney failure due to genetic

reasons. Very much disappointed at turn of events, Mr. Sankar decides to opt for kidney transplant for their son. In lieu of the same, Mr. Sankar decides that he himself will donate one of his kidneys if the testing went well. Keeping these facts in mind, examine the validity of organ transplantation under the Transplantation of Human Organs Act as amended by 2011.

4. Mr. Abbas owns a registered medical shop in the city. One of his relative, Mr. Haji Mamukka, aged 70, approaches him asking for a drug- Atenolol(Tenormin), a schedule H drug without any prescription. Mr. Abbas gives a full strip of the same to Mr. Haji. After few days, Mr. Haji is hospitalized and his son calls Mr. Abbas to inform about a prospective legal action against him for providing the drug and causing this condition to his father. Evaluate the legality of Mr. Abbas's action under the Drugs and Cosmetic Act, 1945.
5. In the case, *United India Insurance v. Jai Prakash Tayal, 2018, Del HC* held that “.... *The individual's Right to avail health insurance is an inalienable part of the Right to Healthcare. Health insurance with the exclusion of "genetic disorders" hits at the basic right of an individual to avail of insurance for prevention, diagnosis, management and cure of diseases....*”

Explain the significance of this judgment with regard to the medical insurance sector and its link with the right to health care in Indian Scenario.

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. “*Indian Health Care system requires a serious introspection and needs to learn from the Cuban Model*”- How far do you agree with this statement considering the National Health Policy, 2017?
 7. “*Right to health is different from Right to health care*” - discuss the validity of the statement in the perspective of International instruments.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
LAW OF INSURANCE

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. In majority of cases we find insufficient and unsatisfactory compensation for pollution damage caused by ship's oil. How does the Indian marine insurance market cover the liability costs of such environmental disasters including oil spills? Discuss in context of India having ratified the International Convention on Civil Liability for Oil Pollution 1969, which came into force on June 19, 1975.
2. You are looking to buy a fire insurance policy for your house. The said house is in your name and its current market value is 50 Lakhs. What would be your key parameters in choosing a proper insurance policy?
3. The Government has mandated Insurers to provide insurance policy towards coverage of Covid hospitalizations. You work for an Insurance firm and have been asked to underwrite the risks involved in introducing such a policy. What would be your key considerations while launching such a policy? Devise the relevant parameters to be taken into consideration.
4. Your Car Insurance Policy is up for renewal. You have logged into a web portal to compare different policies available to pick the best one. Is policy premium the only consideration you would be looking for? How will you determine the best coverage? Will you stick to mandatory third party insurance? What are the relevant considerations to be kept in mind for a lay man while choosing insurance coverage?
5. Pradhan Mantri Fasal Bima Yojana (PMFBY), the flagship programme launched with much fanfare in 2016, never really took off. Analyze. Which are the areas of improvement in current crop insurance schemes launched by the government? How does your home State fare in this regard?

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. A crisis such as Covid-19 affects all business sectors – but there are some unique considerations that impact the insurance industry. Discuss

 7. Term Insurance vs. Traditional Life Insurance which is a better pick?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
LAW OF CONTRACTS -I

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. M/s.KNK Contractors was given a contract by M/s.MBM Real Estate and Constructions to construct a house within 5 months and an agreement to that effect was entered into by the parties. However during the construction, the employees of M/s.MBM constantly and deliberately disturbed the work of M/s.KNK Contractors to delay the work and thereby creating losses to M/s.KNK Contractors under the Agreement. Examine the remedies available to M/s.MBM Contractors referring to the relevant provisions of Indian Contract Act 1872 and judicial decisions.
2. Mr. Kalidas was looking to hire a car for rent for a period of one year from M/s. Nexa Dealers. The dealers agreed that Mr. Kalidas pay Rs.3000/- as advance amount to take the car and then pay rent of Rs.5000/- every month. Mr. Kalidas did not pay the advance and hence M/s. Nexa Dealers did not send the car. Evaluate the relevant provisions of law and judicial decisions which will justify M/s. Nexa Dealers action.
3. A person who is in a position to dominate the will of the other and there by taking undue advantage of the other will have to face necessary consequences. Critically examine this statement with relevant provision of law and decided case laws.

4. An agreement should be penned down properly, carefully, leaving no room for incertitude. Evaluate the statement with relevant provision of law and judicial decisions.
5. A contract can be vitiated from being performed on various circumstances. Explain those circumstances with relevant provisions of law and decided case laws.

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. Explain the criteria that must be taken into consideration when calculating the loss or damage caused out of a breach of contract with relevant provisions of law and suitable illustrations.
 7. Explain at what point the communication of a proposal is complete in the following circumstances:
 - (i) Kishan proposes by letter to sell his farmhouse to Mrithun for Rs.1,00,000/-
 - (ii) Mrithun accepts Kishan's proposal by a letter sent by post.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
COST AND MANAGEMENT ACCOUNTING

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)**Answer the Following Questions:**

1. Calculate Prime cost, Factory cost, Cost of Production, Cost of Sales and Profit by preparing cost sheet from the following particulars

Direct Materials	Rs.1,00,000	Depreciation:	
Direct Wages	Rs.30,000	Factory plant	Rs.500
Wages of Foreman	Rs.2,500	Office premises	Rs.1,250
Electric power	Rs.500	Consumable Stores	Rs.2,500
Lighting: Factory	Rs.1,500	Managers Salary	Rs.5,000
Office	Rs.500	Directors Fees	Rs.1,250
Storekeepers wages	Rs.1,000	Office stationery	Rs.500
Oil and water	Rs.500	Telephone charges	Rs.125
Rent: Factory	Rs.5,000	Postage & Telegrams	Rs.250
Office	Rs.2,500	Salesmen's Salaries	Rs.1,250
Repairs and Renewals:		Travelling Expenses	Rs,500
Factory plant	Rs.3,500	Advertising	Rs.1,250
Office premises	Rs.500	Warehouse charge	Rs. 500
Transfer to Reserves	Rs.1,000	Sales	Rs.1,89,500
Discount on shares written off –		Carriage outward	Rs.375
	Rs.500	Income Tax	Rs.10,000
Dividend-	Rs.200		

2. Draw a stores ledger card recording the following transactions under LIFO Method.

2010 July

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

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

3. Following are the Balance sheets of V Ltd for the years 2008 and 2009. Prepare Comparative Balance sheet

Balance Sheets

Liabilities	2008 Rs.	2009 Rs.	Assets	2008 Rs.	2009 Rs.
Share capital	600000	800000	Land & Buildings	370000	270000
Reserves	330000	222000	Plant	400000	600000
Debentures	200000	300000	Furniture	20000	25000
Mortgage Loan	150000	200000	Other fixed assets	20000	30000
Bills Payable	40000	45000	Bank	20000	80000
Creditors	75000	120000	Bills Receivable	120000	90000
Other current liabilities	5000	13000	Debtors	200000	250000
			Stock	250000	350000
			Prepaid Expenses	-	5000
	1400000	1700000		1400000	1700000

4. From the following Balance sheets of K Ltd for the year 2010 and 2011. Prepare Cash Flow Statement as per (AS- 3 (Revised) method)

Liabilities	2010 Rs.	2011 Rs.	Assets	2010 Rs.	2011 Rs.
Equity share of Rs. 100 each	450000	600000	Plant & Machinery Less : Accumulated depreciation	600000 120000	725000 145000
Share premium	-	15000		480000	580000
Profit & Loss Appropriation A/C	60000	60000	Land	183000	198000
Profit for the year	-	50000	Loan to subsidiary company	25000	-
8% Debentures	250000	200000	Shares in subsidiary company	30000	40000
Profit on redemption of Debentures	-	1000	Inventory	160000	148000
Sundry creditors	220000	190000	Sundry debtors	120000	162000
Provision for taxation	40000	50000	Bank Balance	67000	98000
Proposed Dividend	45000	60000			
	1065000	1226000		1065000	1226000

During the year, plant costing Rs.40000 was sold for Rs.15000.accumulated depreciation on plant was Rs.20000. Loss on sale of plant was charged to profit & loss account. Tax paid during the year was Rs.55000.

5. Following is the summarized Balance Sheet of White Ltd. as on 31st December:

Balance Sheet of White Ltd. as on 31st December

<i>Liabilities</i>	<i>Rs.</i>	<i>Assets</i>	<i>Rs.</i>
6 % Preference Share Capital	1,50,000	Goodwill	20,000
Equity Share Capital	2,50,000	Land & Buildings	2,50,000
General Reserve	20,000	Machinery	1,75,000
Profit and Loss	15,000	Furniture	10,000
5 % Debentures	1,00,000	Stock	90,000
Sundry Creditors	28,000	Sundry Debtors	21,000
Bills Payable	12,000	Cash at Bank	5,000
		Preliminary Expenses	4,000
	5,75,000		5,75,000

Other Information:

Total Sales Rs.4,00,000 ; 20 % of which is made on credit. Gross profit and Net profit [after tax] for the year ended amounted to Rs.80,000 and Rs.20,000 respectively.

Comment on the Financial condition of White Ltd.

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. Calculate the Break – Even Point and the P.V Ratio.

Fixed overhead	Rs. 120000
Variable overhead	Rs.200000
Direct Wages	Rs.150000
Direct Materials	Rs.410000
Sales	Rs.1000000

7. From the following data, calculate:

- (i) Material cost variance
- (ii) Material price variance
- (iii) Material usage variance, separately for A and B

Material	Standard Quantity kg	Standard price Rs.	Actual Quantity kg	Actual price Rs.
A	50	4	60	3.75
B	75	5	90	4.50
	125		150	

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
LABOUR LAW -II

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. Attempt the following questions stating relevant legal provisions and case law, if any;
 - a) A driver of a bus was involved in an accident which impaired the movement of his left hand. He claimed compensation for permanent total disablement under the Workmen's Compensation Act, 1923. The employer contested the claim stating that the driver is capable of performing other duties. Will the driver succeed?
(6 Marks)
 - b) Sanjayathan was suspended from service by the company. He was subsequently reinstated with full back wages. The company refused to pay bonus for the period of his suspension. Whether Sanjayathan is entitled to get bonus for the period of his suspension? Give reasons with relevant judicial pronouncements to support your answer.
(6 Marks)
2. Remeshya was dismissed from service for an act of misconduct. The company did not pay him any bonus. Rameshya contended that he was eligible for payment of bonus for the accounting year in which dismissal took place. Will he succeed? Considering this fact, explain the provisions and essential conditions regarding payment of bonus citing the relevant case laws.
3. Attempt the following questions stating relevant legal provisions and case law, if any
 - a) TNL Ltd. employed casual workmen for a short duration of two months to execute a contingency plan of its operations. Are the casual workmen entitled for provident fund contribution from the employer?
(6 Marks)

- b) Velmurgan, a teacher in a private school having a basic salary of Rs.5,500/- per month, claims gratuity from the school management when he resigned from the service after serving for a period of 12 year. Will he succeed? (6 Marks)
4. Kumaravelan, an employee deputed by the management to participate in a football match, met with an accident resulting in his death while on his way to the playground. Is it an 'employment injury' under the Employees' State Insurance Act, 1948? Considering this fact, explain the provisions and essential conditions regarding "employment injury and employment death" citing the relevant case laws.
5. (a) A notice of dismissal is given by an employer to Swamy, an employee who is in receipt of sickness benefit under the Employees' State Insurance Act, 1948. Has the employer the right to dismiss Swamy during the period he is in receipt of sickness benefit? Give reasons with relevant judicial pronouncements to support your answer. (6 Marks)
- (b) While working on a machine, a worker accidentally drops a valuable testing appliance which becomes defective. The employer deducts the value of the appliance from the wages of the worker. Is the deduction justified under the Payment of Wages Act, 1936? Give reasons with relevant judicial pronouncements to support your answer. (6 Marks)

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. Analyse the Obligation & Accountability of state & employers for unorganized workers & their social security in the Covid Era.
7. Evaluate the evolution of modern labour jurisprudence with specific reference to gender justice and protection of women from sexual harassment at workplace.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
INTERNATIONAL COMMERCIAL ARBITRATION

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. 'No one can be a judge in his own cause', but an Arbitration Tribunal can. Elaborate and explain the above principle with relevant International Conventions and general principles of arbitration and case laws. Why is there such an exception in the case of the Arbitration Tribunal
2. Compare and contrast Investment, Trade and Commercial disputes in relation to International Commercial Arbitration. Why are there differences between the two? How does that impact their function practically?
3. "An arbitration agreement is the *sine qua non* for any arbitration proceeding". Analyze the above statement with related provisions of UNCITRAL Model Law and New York Convention.
4. The *BALCO case* protected the sanctity of International Commercial Arbitration in India whereas the *Bhatia case* failed to do so. Critically examine this statement. What have been the consequences for International Commercial Arbitration as a result?
5. Explain the various conflicts in the principle of Conflict of laws in relation to International Commercial Arbitration. How are they to be resolved?

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. One can equate an award with a Judgment with certain exceptions. Comment.
7. Explain the arbitrability of Intellectual Property Disputes in International Commercial Arbitration.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
ELECTION LAW

Time: 3 Hours 45 Minutes

Maximum Marks: 70

Instructions:

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

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. The post of the 3rd Election Commissioner (EC) in the Election Commission of India (ECI) was lying vacant. The EC post was customarily held by officers from the Indian Administrative Service (IAS) cadre. Mr. ABC was a bureaucrat belonging to the Indian Economic Service (IES) cadre. He had obtained his B.Com., LL.B. degree from the prestigious National School of Law, Truchi. In 2020, he was appointed to the vacant post of the 3rd Election Commissioner by the Indian President. Subsequently, he was elevated to the post of the Chief Election Commissioner (CEC) and he presided over the Tamil Nadu Assembly Elections of 2021.

After the assembly elections, Ms. XYZ, an unsuccessful candidate belonging to the Truchi constituency challenged the successful election of one Ms. EFG by way of a Writ Petition (WP) before the High Court of Madras. In her WP, the Petitioner alleged, *inter alia*, that Mr. ABC who was functioning as the CEC for the 2021 Elections was not qualified to be appointed as the CEC and therefore, the entire elections held throughout Tamil Nadu including the election of the Respondent from the Truchi constituency were void.

The Petitioner further argued 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 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 contended that as Mr. ABC was not qualified enough to be appointed as a Supreme Court Judge, he could not be appointed as the CEC. Decide the WP including its maintainability by exploring the various issues involved in this case with the help of judgements and relevant provisions from the Indian Constitution and other allied laws relating to the appointment of members to the ECI.

2. Mr. ABC, the Petitioner is making a complaint of epidemic caused by vires of illegal acts of the Election Officers and Returning Officers. The Petitioner's case in different petitions are as follows with following set of allegations:

- That nominations have been illegally rejected.
- That names of the voters have not been included in the list or
- After publication of the final list, the names of the voters have been deleted from the electoral roll.

Now regarding the above issues, Mr. ABC files an Election Petition (EP) in the High Court pleading that when the illegality is writ large, the violation of the rules, regulations and law is manifest and the arbitrariness, whims and caprices of the Officers is floating on the surface of the record, the High Court to maintain the purity of the elections and to put a control over the Returning/Election Officers must exercise its jurisdiction in these election matters irrespective of Article 329 of the Indian Constitution.

- 2.1 How would you take up the entire matter, if you are the lawyer for the Petitioner? Please suggest a remedy to Mr. ABC.
 - 2.2 Do a constitutional and legal analysis of the above set of facts and also sum up your opinion on the said matter.
3. Comment on each of the following statements about the Election Commission of India (ECI) whether they are 'correct' or 'incorrect'. Substantiate your answer with detailed and cogent reasons by citing relevant legal provisions and judgments:
- a) The Indian Constitution envisages ECI to be a multi-member body, subject to a maximum limit of three members.
 - b) ECI is responsible for conducting the elections of Union Territories, State Assemblies and Panchayat Bodies in India.
 - c) ECI is a permanent body.
4. Dravidabad is one of the States in the Indian Union. In 2019, when All Peoples Party (APP) came to power in the State of Dravidabad, it appointed 20 of its Member of the Legislative Assembly (MLAs) as Parliamentary Secretaries (PS). The Opposition Parties (OP) called for disqualification of these MLAs by the Governor of Dravidabad under the relevant provisions 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 the opinion of the Election

Commission of India (ECI), the ECI opined that the 20 MLAs have incurred disqualification by holding the post of PS.

When the matter was pending consideration before the Governor, the APP Government passed the Dravidabad 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 Supreme Court to disqualify the 20 MLAs for holding office of profit by challenging the constitutionality of the Removal of Disqualification Act, 2019. Decide this case with the help of judgements and relevant provisions from the Indian Constitution and other allied laws relating to the concept of office of profit.

5. Comment on each of the following statements about the laws relating to elections in India whether they are 'correct' or 'incorrect'. Substantiate your answer with detailed and cogent reasons by quoting relevant legal provisions and judgments:
- The Indian Penal Code, 1860 lists the various forms of corrupt practices relating to Elections.
 - The Constitution of India, 1950 allows the ECI to exercise only quasi-judicial powers.
 - The Representation of the Peoples Act, 1951 confers the ECI with the power to both register and de-register political parties in India.

PART – B (2 x 5 = 10 Marks)

Answer the Following Questions:

6. *“India has been characterised as the biggest democracy in the world, because of the colossal nature of the elections held in the country. The idea of free and fair elections is considered as one of the basic features of the Indian Constitution. To ensure free and fair elections, the Election Commission has to act in an impartial manner and it should be free from external influences.”* Comment.
7. Can anti-defection proceedings be initiated in a '*suo motu*' manner by the Speaker of an Assembly under the 10th Schedule to the Indian Constitution? Do we have a consistent judicial opinion in this regard?

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**TAMIL NADU NATIONAL LAW UNIVERSITY,
TIRUCHIRAPPALLI**

**B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021**

INTERNATIONAL ENVIRONMENTAL LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. State A and state B are neighbouring states and sharing the territorial borders. State A started dredging the Northern part the River in order to improve its navigability. State B contended that State A artificially created a channel on State B's territory. State A's action led State B to institute proceedings in the State. Subsequently, State B declared a state emergency in the border area and started works for the constructions of a road in its territory along part of its border with State A. State A contended inadequacies in the implementation of the ecosystems services performed by State B would lead to transboundary pollution. State A also claimed right to compensation referring to the legal elements of concept of Sustainable Development. In the light of the above facts, answer the following
 - (a) Trace out the meaning of Transboundary pollution and illustrate the Social, Economic and Cultural impact of Transboundary Pollution.
 - (b) Evaluate the legal elements of concept of Sustainable Development.
 - (c) Whether right to environment entitles right to claim compensation environmental pollution?.

2. *“Sustainable consumption and production practices necessarily entails to respect the biophysical boundaries of the planet and to reduce current global consumption rates in order to fit with the biophysical capacity to produce ecosystem services and benefit.”* Critically examine this statement referring to the effectiveness of Multilateral Environmental Agreements on conservation of biodiversity.

3. *Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.* In the light of the above facts, answer the following

- (a) Whether the Public Participation in Environmental Decision Making is a precondition for implementing all developmental projects?.
- (b) Explain the status of the Public Participation in Environmental Decision Making in India.
- (c) Evaluate the involvement of appropriate institution concerning Public Participation in Environmental Decision Making.

4. *"The contracting parties to the United Nations Framework Convention on Climate Change (UNFCCC) is expected to take precautionary measures to anticipate, prevent or minimise the causes of climate change and mitigate its adverse effects".* Critically evaluate this statement referring to the measures adopted by the Government of India in fulfilling the objectives of the Convention.

5. The World Trade Organisation Dispute Settlement Understanding (WTO-DSU) aims at resolving all kinds of disputes arising out Marrakesh Agreement. Do You agree? Evaluate this statement referring to the relevant judicial decisions on trade and environment controversies.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

- 6. Write a detail note on working of International Centre for Settlement of Investment Dispute (ICSID).
- 7. Examine the interrelationship between United Nations Convention on Biological Diversity and Aichi Biodiversity targets.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
HUMAN RIGHTS LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. Do you agree that some of the human rights are capable of creating both positive and negative legal obligations for the states? If yes, the traditional understanding that civil and political rights create a set of immediate obligations and that economic social and cultural rights create a progressive State obligation should be revisited. Provide your views.
2. Article 9 of the International Covenant provides that “anyone who has been a victim of an unlawful arrest or detention shall have enforceable right to compensation”. But the Government of GGG while ratifying the said Covenant makes a statement that “anyone who has been the victim of an unlawful arrest or detention shall have no enforceable right to compensation”. As a student of human rights law, you are required to determine the nature of that unilateral statement (made by GGG) and comment on its validity and ensuing legal obligations for the state referred above.
3. The Indian Supreme Court in *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 judgment interpreted that the right to privacy is an integral part of right to liberty. Do you think that the judicial interpretations offer efficacious protection for human rights? Comment with the supporting reasons.
4. Mr. Annaiah was detained for interrogation in the custody by the jurisdictional Police on 21st and 22nd of June 2021 for his involvement in a crime against the state. Following the completion of his interrogation, it was claimed by him that he suffered a severe mental strain and anxiety. Thus, his right to health and well-being was violated by the Police. Do you agree with Mr. Annaiah? What factors do you consider as a judge in determining a case of violation of right to health? Explain.

5. What is your view on the statement that “International Human Rights Law is not all inclusive and gender neutral”? Comment with the supporting reasons.

PART-B (2 x 5 = 10 marks)

6. Whether human rights law is structured to prevent human rights violations. Comment.
7. Write a short note on the following:
- a. The minimum core obligations
 - b. Derogation of human rights in public emergency
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021

CORPORATE LAWS -II

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. Mr. Kalaiselvan is an Experimental Physicist invents a Tractor Beam device. Ms. Neelambari is a friend of Mr. Kalaiselvan and also an investor. She urges him to start a company to commercially produce and sell the device.

Mr. Kalaiselvan thinks it's a good idea but has the following doubts. Advise him accordingly

- a. What is the best form of the company he can incorporate to attract investments to his business? **(6 Marks)**
- b. What are the legal formalities he should complete to become a director in the company? **(6 Marks)**
2. Ajay Private Ltd., is a company incorporated in India in the state of Madhya Pradesh. Mr. Ajay owns 51% of shares in the company and the rest 49% of the shares are owned combinedly by three other members. Mr. Ajay was a director of the company for 25 long years. In 2020 at the AGM of the company he stepped down as a Director and in the same meeting, Mr. Puneeth Ajay, his son was made as a director of the company. Mr. Puneeth Ajay is not a shareholder of the company.

In 2021, Mr. Puneeth Ajay with the board's approval entered into a contract worth INR 500 Crores with Anthusha Private Limited. Anthusha Private

Limited at that time was running at loss and all the shareholders of Ajay Private Ltd., were completely shocked by this decision.

Are there any legal options available to Mr. Ajay and other shareholders to undo the contract? While answering the above question, enumerate and explain the division of powers between the Shareholders and Board of Directors under the Indian Companies Act of 2013.

3. In 2010, 'Company A' private company incorporated in India entered into a contract with 'Company B', a public limited company incorporated in India. In 2015, 'Company A' failed to perform its contractual obligations and hence 'Company B' instituted legal proceedings against 'Company A' in 2016.

In 2016, 'Company A' faced huge losses and was almost on the edge of bankruptcy. The shareholders of 'Company A' who were also majority shareholders in 'Company C', another Private company decided to amalgamate both the companies and formed a 'Company CA' without giving due notice to the creditors of 'Company A'.

Directors of 'Company B' in 2018 gained knowledge of this amalgamation and were clueless as to how to proceed with the legal proceedings.

Advise them with the aid of legal provisions and case laws.

4. Can insider trading be prohibited? Draw a critique of Indian Legislative and Regulatory measures to curb Insider Trading.
5. In 2021, The Board of Directors of Poonchulai Public Limited Company informs the shareholders of the company in the Annual General Meeting that dividends shall not be paid to the Shareholders for the previous financial year despite the profits made by the company during the year.

Answer the following questions based on the above.

- a) Do the directors have the authority to do so? Explain with the help of decided case laws. **(6 Marks)**
- b) Enumerate the authority of the General Meeting and Board of Directors in the distribution of dividends. **(6 Marks)**

PART – B (2 x 5 Marks = 10 marks)

Answer the Following Questions:

6. Draw a critical analysis on the failure of regulatory mechanisms in the Enron Scandal *vis-a-vis* comment on the effectiveness of the Current Auditing framework in India.
 7. Explain how the Insolvency and Bankruptcy Code of 2016 have impacted the procedures for winding up of companies under the Companies Act 2013.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
HISTORY –I (INDIAN HISTORY)

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. Analyse the different characteristic features of history writing described by R.G. Collingwood. Answer with relevant examples.
2. Guild system was a unique innovation of Ancient India. Comment with special reference to *Sreni Dharma* (Guild law).
3. “*Mughal system of judicial administration was far from well organised*”. Do you agree? Substantiate your view.
4. Was the Tamil devotional movement a social or religious reform movement? What were the reasons for the rise of this movement in the 7th century A.D.?
5. Critically evaluate the specific provisions of Macaulay’s plan and its effectiveness to protecting the natives of India.

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. Past and History are two different things. Comment.
 7. *Gupta period was not a Golden Age*. Do you agree? Give reasons for your answer.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
MARKETING MANAGEMENT

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the Following Questions:

1. Specify and explain the macro-environment forces affecting marketing program of Maruthi Suzuki.
2. Name two products that are in the maturity stage of the product life cycle? What recommendations do you have for rejuvenating the demand for either of these products?
3. For each of the following products, should the seller adopt a market-skimming or a market-penetration pricing strategy? Support your decision in each instance.
 - a. A high technology mobile phone
 - b. A high fibre enriched box of cookies.
4. How can you segment the market for refrigerator and justify your plan?.
5. Analyse and compare the 4 Ps of the Hindustan Unilever Limited and ITC.

PART – B (2 x 5 = 10 marks)

Answer the Following Questions:

6. “Marketing Begins and Ends with the Consumer” – Analyse with suitable example.
7. Evaluate and describe the distribution strategy of Amazon in India.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
JURISPRUDENCE

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 Marks)

Answer the Following the Questions:

1. “Mr. Ramesh and Mr. Suresh are both students of Philosophy of Law. While Mr. Ramesh is attracted by the utilitarian philosophy, Mr. Suresh finds Kelson’s Ideologies more acceptable. One day, they were walking down the street after class. They came across a Bakery that was run by Mr. Ponnambalam, who was the richest man in the town. The Bakery was very busy with a lot of customers buying the popular Hot Cakes. The smell of freshly baked cakes drew Ramesh and Suresh and they decided to indulge themselves. As they were buying the cakes, a small boy with weary looks approached the bakery. He stood in front of the bakery, watched for a second, and then in a blink of an eye, took a cake from the bakery and ran away. As others started chasing the boy, Ramesh and Suresh took their mouthfuls, looked at each other and exchanged a smile. They knew they had got a topic to debate on. They started walking and Ramesh began the conversation saying, “Well, the boy has not done anything wrong you see...”

Draw an imaginary account of their further conversation, assuming both argued the case from their philosophical standpoints.

2. How and where should a line be drawn between Right to Privacy and Right to Information in a democratic set-up? Draw a critical analysis with the help of sociological philosophies of law.
3. The Delhi High Court in 2015 held that the birds have fundamental rights to live with dignity and fly in the sky and human beings have no right to keep them in small cages for their business or otherwise, or inflict them with cruelty.”

Critically analyse the above decision with the help of Hohfeldian analysis of rights.

4. Discuss and decide the validity of Dowry Prohibition laws in India by applying Alf Ross's analogy of norms of chess and valid legal norms.
5. The debate between Property as an inherent right of humans and Property as a creation of the state is well known. In the light of the same, jurisprudentially analyse the validity of 44th Constitutional amendment which has handed over the right to the State to acquire lands of Citizens.

PART – B (2 x 5 Marks = 10 marks)

6. Does knowledge in jurisprudence equip a lawyer better? Answer with reasons.
 7. Discuss the significance of Oliver Wendell Holme's Bad Man Theory in the world of legal philosophy.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
MEDIA LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 Marks)

Answer the Following the Questions

1. On 28 February 2002 Dainikbaskre daily(in both hardcopy and e-daily) carried the headline” *Avenge Blood with Blood*”, a quote issued by a VIP leader. Write in detail on the traits and consequences of ‘hate speech’ after the publication (online and offline) of the said newspaper.
2. Elucidate on the emergency and press censorship based on the gazette notification issued by the Indian Government on 26.6.1975 stating “a grave emergency exists whereby the security of India is threatened by internal disturbances”.
3. A ‘Reporters Without Borders’ report lists a ‘YZ’ Prime Minister of a ‘PD’ country as one of the world’s 37 worst rulers when it comes to press freedom. The said country has rejected the claim and issued a statement that their ‘YZ’ Prime Minister is not a press freedom ‘predator’. Analyze the extent of the threat to media freedom and the ways of mishandling UAPA in the above said ‘PD’ country.
4. Vtube, a video streaming platform has banned the advertisements of politics, alcohol, gambling from its homepage the spokesperson stated in a press conference. Having the statement in mind, develop a chart depicting the self-regulation role of ASCI in the broadcast and social media sectors.
5. India filed an antitrust petition in SMART TV ANTITRUST CASE against goofle followed by the EU antitrust case. Interpret the antitrust cases filed by India and EU against goofle and the role played by antitrust laws in media sectors.

PART – B(2 x 5 = 10 Marks)

Answer the Following the Questions

6. Compare *K.A.Abbas case* and *In Re Arundhati Roy (2002)* case.
 7. Write on the advantages and disadvantages of Yellow Journalism.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
FAMILY LAW –I

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 Marks)

Answer the Following the Questions with relevant legal provision and judicial pronouncements:

1. 'X' was married to 'Y' under the Hindu Law of Marriage in 2002. They had a son 'S' born to them in 2004. Soon after that there were frequent quarrels between them. 'Y' was taken to her father's house by her parents quite often because of the problems between 'X' and 'Y'. She returns back after few days on her own. 'X' files a petition of divorce on the ground of cruelty against wife and also includes cruelty by wife's parents. Decide on consequence of the case, when
 - a. The evidence for the cruelty by wife upon the husband was not available. But there was cruelty by wife's parents upon the husband. Use relevant legal provisions and judicial decisions for the same.
 - b. Explain the theory of divorce that is relevant in the above situation.
2. 'P' and 'Q' are father and mother of 'R' respectively. 'P' and 'Q' are not in good terms and as a consequence, a case was initiated by 'Q' for the custody of 'R'. 'P', 'Q' and 'R' are Hindus. Decide on the parameters to consider the case of custody (including the issue of access to the child) when,
 - a. 'P' claims it
 - b. 'Q' claims it
 (Fact: 'P' is financially stronger than 'Q' in both situation (a) and (b))
3. Critically comment on the right of maintenance of the Muslim women in India. State your opinion about the parallel between the personal law and the other secular laws in India in the given context.

4. Mr. J and Ms. B are Indian Christians who are Roman Catholics. Both of them are major according to the Indian Majority Act, 1875 and intend to get married in August 2021 under Christian Law. Both of them do not have any spouses living at the time of marriage. J says to B that “the laws of Indian Christians regarding marriage states that there is no requirement for a preliminary notice when “Indian Christians” get married”. Ms. B doubts the legality of the statement made by Ms. J. As an advocate, clarify the legal requirement for marriage to Mr. J and Ms. B.
5. Mrs. K is a Hindu woman who has been married to Mr. N. On their 10th Wedding Anniversary, Mrs. K says “*We have been married for 10 years and we are still not blessed with a baby. I am planning to adopt a girl. Can I?*” Mr. N was extremely happy in Mrs. K adopting a girl child as her daughter and immediately smiles at her implying his willingness. *Comment on the validity of the adoption under Hindu Law.*

PART – B (2 x 5 = 10 Marks)

Answer the Following the Questions

6. Critically comment on the concept of voidable marriage in general and with special reference to Christian Law.
 7. Evaluate the concept on Domestic violence in the light of Uniform Civil Code.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
INTERNATIONAL CRIMINAL LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 Marks)

Answer the Following the Questions with relevant legal provision and judicial pronouncements:

1. 'X' was a military official of Country 'Y' who was accused of committing the crime of aggression in 1992. The crime has taken place in the territory of Country 'Y' and one of the parties to the Rome Statute. Decide on the legal validity of the case in International Criminal Court.
2. Critically comment on the following in the context of International Criminal Law and Procedure.

"States shall refrain from the threat or use of force against the territorial integrity or political independence of any State".
3. 'Q' is accused of committing torture which was a part of the widespread and systemic attack against 20,000 people in country 'G'. The national court of country 'G' has taken up the matter in its jurisdiction and decided that 'Q' has not committed the crime. 'J' is a Human Rights activist who protesting that 'Q' has committed the crime and the national court has not taken the required steps for inquiry into the matter to decide in a just and fair manner. If there is any truth in the statement made by 'J', will that create any difference in the judicial proceedings of the alleged crime committed by 'Q'? Comment on the issue with reference to the relevant provisions of the Statute of International Criminal Court.
4. 'M' was employed in the military troop for official purposes. 'M' has received an order to use deadly weapons on a particular mission and he has followed the orders given to him. Unfortunately, the orders that 'M' has received was unlawful and 'M' was not aware of the same. As a result of using deadly weapons, thousands of people belonging to a particular ethnic group were dead. Comment

on the legal proceedings which was initiated on the said issue and highlight your opinion, when

- a. 'M' was not aware of the unlawfulness of the order
 - b. 'M' was aware of the unlawfulness of the order
5. The Office of the prosecutor has high power and position in the international criminal proceedings under the Rome Statute. Critically comment on the powers of the prosecutor in international criminal investigations and prosecutions with special reference to the criticism that some nation-states have against the power of the prosecutor. Also, comment on your opinion about the power of prosecutor to initiate a case in the International Criminal Court.

PART – B (2 x 5 = 10 Marks)

Answer the Following Questions:

6. Comment on the impact of the Nuremberg Tribunal in the international criminal justice system.
 7. Analyse the existing international criminal law and procedure regarding the crime of sexual violence during wartime.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
CIVIL PROCEDURE CODE

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 Marks)

Answer the Following the Questions:

1. a) Mr. A obtains a decree against Mr. B and in execution of that decree certain property is attached. Mr. C files an objection to the attachment on the ground that Mr.B is not the owner of the property and the ownership is with him. The court dismissed Mr. C's objection. Advise Mr. C as to what relief he is entitled?

(6 Marks)
- b) Raju borrowed a sum of Rs. 25,000/- from Raghavan on a promissory note executed dt. 25.09.2020. Raghavan died on 25.10.2020 leaving behind his son "Ravi" aged 15 years. Ravi filed a suit against Raju for the recovery of the amount. Is his suit sustainable? Analyse in detail and give cogent reasons.

(6 Marks)
2. a) Mr. Kannan sues Ms. Kavitha on a promissory note for Rs.50,000/-. Ms. Kavitha already holds a judgment against Mr. Kannan for Rs. 55,000/-. A plea of set off raised by Ms.Kavitha. Can she succeed in her plea? Refer to the relevant provisions of CPC and decided cases.

(5 Marks)
- b) A, B, C, D and E live in a joint family and own certain joint family properties. On 26.07.2006 C filed a suit for possession of certain shares in the joint family properties on the ground that the property had been partitioned. During the trial, it is proved that the suit property had not been divided by a partition and the suit filed by C for possession of certain shares is dismissed. Subsequently, on 25.05.2021 C again sues for the partition of the joint family property. Decide in detail whether the second suit is maintainable?

(7 Marks)

3. a. Mr. Raja filed a suit for temporary injunction against Mr. Arun. On the day of the hearing, Mr. Raja failed to appear before the court. Mr. Arun in his written statement denied all the allegations and the court dismissed the suit.
- (i) Explain whether Mr. Raja can be permitted to file another suit (fresh suit) against Mr. Arun on the same cause of action? If not, analyse the alternative remedy available to him? **(3 Marks)**
- (ii) Would it make any difference if, on the date of hearing, both the parties fail to appear to the court? Also, analyse suppose, if the defendant partly admits the claim made in the petition filed by Mr. Raja, can the court pass a decree? If so, to what extent? **(3 Marks)**
- b. A resides in Chennai, B resides in Puducherry and C resides in Tirunelveli. A entered into an agreement with B and C in Mumbai for transferring an immovable property is in Tanjore. A breached the contract while he was in Mumbai. B and C filed a suit for the specific performance of the contract in Chennai. A objects the jurisdiction of the court on the ground of cause of action arose in Mumbai. Can A succeed in his contention? Decide the maintainability of the suit. **(6 Marks)**
4. The two Plaintiffs, *namely*, Ms. X and Ms. Y (*mother and daughter*) jointly sued the defendant Mr. Z for recovery of the sum allegedly due from him (*O.S. 2273 /2020*). The case of plaintiffs is that they lent Rs. 10,00,000/- each to Mr. Z through Mr. A who is the husband of Ms. X and father of Ms. Y with whom Mr. Z had a prior business arrangement. Mr. Z had previously instituted two suits against Ms. X and Ms. Y (*O.S. 8076 /2019 and O.S. 8077 /2019*). In both suits, it was alleged that Mr.Z had accepted Rs. 10,00,000/- each from Ms. X and Ms. Y not as a loan but as a setoff. The plaintiffs filed an application with a plea that since common questions of fact and law involved, it would be in the interests of justice to try and dispose of the three suits together; therefore *O.S. 8076 /2019 and O.S. 8077 /2019* should be tried with *O.S. 2273 /2020*. Mr. Z opposed the application.
- Explain in detail by referring to the relevant provisions of CPC and the decided case laws.
5. a. M/s Manimegalai and Co. Ltd., is a well-known company for commercial business. M/s Sindhuja and Co. Ltd., is a manufacturing company of goods and articles and also carrying commercial transactions. M/s Manimegalai and Co. Ltd., enters into a contract with M/s Sindhuja and Co. Ltd., for manufacturing and supplying certain goods and articles. Since M/s Sindhuja and Co. Ltd., failed to deliver the goods and articles within the stipulated time, on 01.02.2020 M/s Manimegalai and Co. Ltd.,

filed a suit in the commercial court claiming compensation for breach of contract, and the suit was taken on file on 07.02.2020. The summon was duly served to M/s Sindhuja and Co. Ltd. on 25.02.2020 to file the written statement within thirty days from the date of service summons. The next date of hearing is fixed as 24.03.2020.

Decide, the following

Is it mandatory to file the written statement on 24.03.2020? If not, analyse the time for filing the written statement of C.P.C as amended in 2015. Suppose, if the defendant failed to file the written statement on the maximum extended time limit, can he invoke the relevant provisions of C.P.C for filing the written statement? Examine the relevant provisions apart from the main provisions. (6 Marks)

- b. Mr. 'A' and Ms. 'B' having domicile in India, married in Mumbai under the Hindu Marriage Act, 1955 and temporarily settled in the United States of America. Because of the difference of opinion, Ms. 'B' rushed to Mumbai and Mr. 'A' filed a petition before the Texas District Court in the U.S.A for dissolving the marriage held between him and Ms. B. A Summon was served to Ms. B but she did not appear before the Texas District Court. The District Court granted a decree thereby dissolving the marriage between Mr. 'A' and Ms. 'B'. Decide the validity of Texas District Court Judgment. (6 Marks)

PART – B (2 x 5 = 10 Marks)

Answer the Following the Questions:

6. Mr. Ranjan submitted an application before a civil court in which the suit is pending to stay the cross-suits on the ground of convenience of the parties. Mr. Ragavendra protested the application that this court could not entertain the application filed under section 151 of the CPC. Is it a sustainable protest?
7. Mr. "A" has a property worth Rs.1000, and he disposes it in September 2020 to enable himself to sue as a pauper and applies for leave to sue as a pauper in November 2020. Decide the maintainability of the application. Would it make any difference if Mr. "A" has property worth Rs.900/- before alienation of the said property?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
ADVANCED COURSE ON TRADEMARK LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 Marks)


Answer the Following the Questions:

1. 'MERSAL' is one of the popular chains of hypermarkets in India. It is owned by Joseph, a popular actor cum businessman from 'Tamil Nadu. He started this hypermarket chain under the brand name 'MERSAL' in the year 2003 with its principal place of business in Chennai. He successfully registered 'MERSAL' as a trademark in the year 2004 under the Indian Trademark Act, 1999. It is to be noted that the name 'MERSAL' was the title of his first film which was released in the year 2000 and become one of the huge blockbusters in the film industry. Following the success of this film, his fans and cinema-goers used to call him 'MERSAL Joseph'. Over time, the mark 'MERSAL' has become famous throughout India owing to its association with the popularity of Pan-Indian actor 'Joseph'. At this juncture, 'Gen X Motors' a global car manufacturer announced the launch of its new hybrid vehicle in the Indian market at the 'Chennai Expo 2021' slated for April 2021 under the trademark 'MERSAL'. It is a fact that 'MERSAL' is a popular and well-known trademark of 'Gen X Motors' in the European market. Having analysed the growing interest for the hybrid vehicle among potential four-wheeler buyers from India, 'Gen X Motors' planned their arrival to Indian Market through the Chennai Expo. Besides, it also applied for registration of their mark 'MERSAL' as Well-Known Mark before the Trademark Office, Chennai. Aggrieved by this act, Joseph filed an infringement suit against 'Gen X Motors' under Sec.29(4) of the Indian Trademarks Act, 1999 before the Madras High Court on the following grounds that,
 - i. He is the Prior User of the mark 'MERSAL' in India
 - ii. His registered trademark 'MERSAL' is a 'Well Known Trademark' in India
 - iii. The use of trademark 'MERSAL' by 'Gen X Motors' amounts to dilution of his well-known trademark in India.

Against which 'Gen X Motors' contends that,

- i. It is the Prior User of the Mark 'MERSAL' globally and cited trademark registration certificates from foreign jurisdictions between the period 1999-2003 as evidence.
- ii. It claimed that their trademark 'MERSAL' is a Well-Known Trademark globally and seek a passing-off remedy against Joseph.
- iii. Further, it claims that Joseph's subsequent registration in India amounts to dilution of their well-known trademark 'MERSAL' and reserve its right to file cancellation of his registration before an appropriate forum.

Decide.

2. Imagine you are a Trade Mark Examiner employed by the Indian Trade Marks Registry. You have received the following applications to register trademarks. Examine the applications and set out the grounds for any objections you may have to the registration of the proposed marks.
 - a. **TM Application 1:** The sound of Darth Vader's breathing for masks and toys.
 - b. **TM Application 2:** The vanilla flavour taste of a pharmaceutical drug.
 - c. **TM Application 3:** The mark 'mVIT' for a multivitamin baby syrup manufactured by a pharmaceutical company
 - d. **TM Application 4:** The logo  by an electric vehicle company.

3. Xenon Printers alleged that a local shop run by Mr. Yasir situated in Chennai is selling parallel-imported ink cartridges and toners for its printers which did not strictly conform to Indian laws and regulations, i.e., they were not accompanied by literature in English or the vernacular, and/or a label indicating the maximum retail price. Further, this illegal sale caused its loss of reputation, insofar as purchasers are unable to claim manufacturer warranty or avail of an after-care service would likely blame it or hold it responsible. Aggrieved by the above, Xenon seeks an injunction against Mr. Yasir before the Madras High Court to prohibit the parallel import of its products. Whereas Mr. Yasir claims that he has bills for his imports which were made through proper legal channels and also duly informs his consumer about the imported products with sellers' warranty only. **Decide.**

4. *Passing off emphatically does not confer monopoly rights in any names, marks, get-up or other indicia nor does it recognize them as property in their own right.* In this context, answer the following
 - a. How does the passing off action protect an unregistered trademark? State, in brief, the necessary elements to prove a passing-off action.
 - b. Whether the meaning of trademark in an action of passing off can be wider than the meaning given in the statute i.e., Trademarks Act, 1999?
 - c. Is passing off remedy available to a registered proprietor of the trademark? Whether the passing off action can be initiated against the registered proprietor of a trademark?

5. *Products and services cannot be considered similar only because they are placed in the same class, as well as they cannot be considered dissimilar because they are in different classes under Nice Classification. In this context critically evaluate the tests laid down for determining whether the two marks are deceptively similar or not in the light of decided cases.*

Part B (2 x 5 = 10 marks)

Answer all the questions:

- 6.
- a. A foreign artist assigned the copyright in an artistic work created by him to an Indian sports shoe manufacturing company for a modest consideration through a contract. The company intend to use a part of the artistic work as a trademark for their new product. Advise.
 - b. A company intends to register its expired design as a trademark under the Indian Trademark Act, 1999. Advise.
7. *Single Color Trademarks are not expressly prohibited from registration as per Trademark Act, 1999. Do you agree with this statement? Why?*
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Repeat (Even –Semester) Examinations, July 2021
LAW OF CRIMES -II

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 Marks)

Answer the Following the Questions:

1. Manoj, aged 37, a resident of Anang Pura, was arrested for an offence under Section 378 IPC by the Police Office and later released on bail. After 15 days of being released from bail, he absconds from his residence in Anang Pura. After knowing this information, police rushed to his residence and searched all the possible places. Finally, after one week, a non-bailable warrant was issued against Manoj and police arrested him. While his bail was a question before the court, his counsel argued that Manoj has a right and he must be released on bail. In light of the facts, critically evaluate the power of the court in granting bail to Manoj.
2. Wasim and Sabana were husband and wife belonging to the Mohammedan religion. After one year of their marriage, due to some dispute between them, Wasim divorced Sabana by pronouncing Talaq and gave maintenance only for three lunar months and stopped thereafter. Sabana is working as a teacher in a private school who can manage her own life. After divorce, her friend advised her to claim maintenance from her husband under Cr.PC till her life time as it is her right. Will she succeed?
3. Jagan murdered his wife with a knife and then cut her body into small pieces. In order to eliminate the evidence, he put those pieces into a box and threw that box into a river. Later on, he himself admitted his guilt before the court. The Principal Session Judge of Trichy, who tried the case, described the offence as brutal and awarded the death penalty. Jagan, appealed against the death penalty. Will he succeed? Decide on the basis of legal provisions under Cr.PC.

4. Ankur, aged 21 years, committed an offence under Section 307 of the IPC. After getting information about such an offence, the police inspector of the nearest police station having jurisdiction over the area rushed to the residence of Ankur and arrested him without a warrant. He was produced before the magistrate within 24 hours of his arrest, wherein the magistrate granted 17 days of police custody. While he was kept in police custody, he was not allowed to meet his family members. After days, his family got to know the same. They got him released on bail. In light of the facts, answer the following: Is Ankur's remand in police custody valid? Answer the question with appropriate legal principles and landmark cases.
5. In 2020, Ballu committed the offence of theft in two different places, one in Madurai and one in Vellore. One such offence he committed on 7.5.2020 and another on 20.7.2020. Maggu, one of his friends, assisted him in disposing of the stolen property with him in such offences. After committing the crime, both of them were absconded for several months and on 10.12.2020 Chennai police finally arrested them and produced to the nearest magistrate. Both the accused were charged separately and tried at one trial for two offences committed by them. Examine the legality of the trial referring to the relevant provisions of law.

PART – B (2 x 5= 10 Marks)

Answer the Following the Questions:

6. *“For every distinct offence of which any person is accused there shall be a separate charge and every charge shall be tried separately”*. Explain.
 7. Explain the term Judgment. What are the essentials particular of a Judgment? Can a Judgment be altered after its pronouncement?
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