



TAMILNADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS



REPEAT (ODD - SEMESTER) EXAMINATIONS,
JUNE-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 Examinations (Odd-Semester), June 2021

PUBLIC INTERNATIONAL LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. A ship carrying oil, bearing the flag of State 'A' sunk off the coast of Great Barrier Reef, which falls under the Exclusive Economic Zone of State 'B'. Given the fact that Great Barrier Reef is of vital environmental importance, State 'B' now decides to prohibit all forms of shipping in that ecologically sensitive zone. Justify or Criticise the legality of State B's action referring to the provisions of United Nations Convention on Law of the Sea (UNCLOS).

2. State 'X' and State 'Y' were two hostile States who were on the brink of waging a war. The United Nations Security Council intervened and sent a Special Ambassador to take stock of the situation. Unfortunately, the special envoy was killed in State 'X' by certain extremists.

At this juncture, determine the capacity of United Nations to initiate a suit against a *de jure* or *de facto* government so as to claim reparation both for the United Nations and for the family of the victim.

3. State 'A' prosecuted a citizen of State 'B' at State 'C'. The reason as provided by State 'A' was that the citizen of State 'B' was alleged to have hijacked a plane which predominantly carried the citizens of State 'A'.

The citizen of State 'B' noted that he was forcefully lured at State 'C' and the arrest was illegal as he cannot be subjected to the jurisdiction of State A. In this context, determine the legality of actions of State 'A' and comment on whether State 'A' can exercise jurisdiction over the citizen of State 'B'.

4. X, was a diplomat of State 'A'. X was posted at State 'B' to head the Embassy of State A. During the tenure of X at State B, his son murdered a domestic maid posted at their official residence.
- (a) Comment on the options available to State B to prosecute the son of X under the laws of the land. (6 Marks)
- (b) What steps can State A legally take against X, given the crime committed by his son? (6 Marks)
5. Y, is a person alleged to have committed offences against State A. Y is also a citizen of State A and so to avoid any harassment he escapes by air to State B.
- (a) In this context, determine how the extradition process can be initiated by State A against Y. (6 Marks)
- (b) State A submits to State B that the offence as alleged to be committed by Y will invite death penalty. At this juncture, analyse the options before State B regarding the claim of State A. (6 Marks)

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. "*Prescription as a means to acquire or lose the territory of a State*". Comment in the light of decided cases.
7. A war ship of State 'B' when passing through the waters of State 'A' was severely destroyed as sea mines were planted by State 'A'. This incident led to the loss of twenty sailors and navy personnel on board the naval war ship which had the flag of State 'B'. Analyse the responsibility of State 'A' referring to relevant principles of international criminal law.
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Repeat Examinations (Odd-Semester), June 2021

CYBER LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. 'What is worth copying, is prima facie worth protecting'
- Justice Paterson in *University of London v. University of Tutorial Process Ltd.*,
1916 (2) Ch 601
Having the quotation in mind, elucidate the kinds of Intellectual Property Disputes on the Cyberspace.
2. CarlCeraud International (the Plaintiff) is a French company. It had organized a fashion show in France. 'Zoom finder' (the Indian defendant) had taken photographs of the fashion show and posted them on its website. The Plaintiffs brought an action in France against the defendant for unauthorized use of their intellectual property and for engaging in unfair competition by posting photographs of models wearing clothing of their design at various fashion shows. The suit was decreed ex parte. The Plaintiff sought to enforce the decree in US. The defendant took up the plea that US law did not extend protection to the fashion designs and that its use was fair use. Find a solution to the hypothetical situation by elaborating on the principles of the cyberspace jurisdiction.
3. The Fire, an Indian non-profit news channel filed a petition before the Supreme Court stating that the IT Rules, 2021 amount to an "overreach" as they incorporate the vague and arbitrary norms under the Press Council Act and the Programme Code, that too the regulations are frontally offensive to Article 19(1)(a) and Article 14 of Constitution of India. A restriction on the Fundamental Freedom to free speech and expression can only be to the extent strictly necessary for the stated interests in Article 19(2).As a cyber-law student, criticize the newly introduced IT Rules, 2021 and also advise the 'The Fire' news channel.

4. A recently happened data breach at US eye clinic impacting 500,000 patients potentially exposed private medical information sets an alarm for the world countries to strengthen the data protection laws. Explain the data protection laws in India with a specific reference to Sec.43A of the IT Act, 2000.
5. *“It is the need of the hour that there is a relook at Section 65B of the Indian Evidence Act, introduced 20 years ago, by the IT Act of 2000, and which has created a huge judicial turmoil, with the law swinging from one extreme to the other in the past 15 years from Navjot Sandhuto Anvar P.V. to Tomaso Bruno to Sonu to Shafhi Mohammad”*, said the bench in Arjun Panditrao Khotkarvs Kailash Kushanrao Gorantyal. Analyze the thread of cases since Navjot Sandhu on the admissibility of the electronic evidence as an admissible evidence.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Compare *Avnish Bajaj v. State* and Bois Locker room Scandal
 7. Having the Libertarian in mind, examine the theories provided by Lawrence Lessig in CODE version 2.0.
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Repeat Examinations (Odd–Semester), June 2021

LAW OF INSURANCE

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. What is Underwriting Risk? You are to act as an underwriter for a Life Insurance Policy. How would you like to define the risk under the policy? What would be the relevant considerations? Examine.
2. You are the legal adviser for HDFC Insurance Services. The company wants to go completely paperless. Advice
 - a) Is it allowed under the law?
 - b) What are the necessary IRDAI and IT Regulations which might come into play to make the transition?
 - c) What would be the advantages and disadvantages of this exercise?
3. Insurance Regulatory and Development Authority of India (IRDAI) is introducing standard products covering the risk of fire and allied perils from April 1, 2021, replacing the Standard Fire and Special Perils (SFSP) policy. What are the changes introduced under the new policy? How does this impact the fire insurance sector and its growth prospects? How is the fire insurance market regulated in India?
4. In April 2021, a giant container ship the length of four football pitches became wedged across Egypt's Suez Canal, blocking one of the world's busiest trade routes. Dozens of vessels were stuck, waiting for rescue boats to free the 400m-long (1,312ft) ship, which was knocked off course by strong winds. The blockage sent oil prices climbing on international markets. Egypt seized the ship claiming compensation of \$900m impacting dozens of insurers. How did the incident play out for the marine insurers in this particular case? How were the liabilities norms fixed and developed? As a legal representative of

one of the insurance companies in this case, what would be your course of action to minimize your liability?

5. Has the Public Liability Insurance Act, 1991 outlived its utility? What would be the key changes, you would introduce if you had an opportunity to amend the law? Reference can be made to similar laws in other countries.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. *Uberrima fides* is a Latin phrase meaning "utmost good faith." How is the same applicable to insurance contracts?
 7. "All insurances except personal accident insurance come in the scope of Indemnity". Evaluate.
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B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd–Semester), June 2021

INTERPRETATION OF STATUTES

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Section 2 of the National Disaster Management Act, 2005 defines a few important expressions used in the Act. Section 2 states as follows:

“In this Act, unless the context otherwise requires,

- a) *“affected area” means an area or part of the country affected by a disaster;*
- b) *“capacity-building” includes. (i) identification of existing resources and resources to be acquired or created; (ii) acquiring or creating resources identified under sub-clause (i); (iii) organisation and training of personnel and coordination of such training for effective management of disasters” ...*

Explain the meaning and significance of the expression “unless the context otherwise requires” in the process of construing this provision. Explain the differences between the nature of statutory definitions in clause (a) and (b). Also describe why the definition clauses are used in a statute.

2. The National Disaster Management Act, 2005 contains the following Chapters:
 Chapter I: preliminary; Chapter II: the national disaster management authority;
 Chapter III: state disaster management authority; Chapter IV: district disaster management authority; Chapter V: measures by the government for disaster management; Chapter VI: local authorities; Chapter VII: national institute of disaster management; Chapter VIII: national disaster response force; Chapter IX: finance, accounts and audit; Chapter X: offences and penalties; and Chapter XI: miscellaneous.

Given the wide range of ideas covered through those Chapters, it is important to select the appropriate set of interpretative presumptions and cannons of construction. Indeed, the statutory provisions that confers powers, or creates offences, or those that stipulates procedures require a different method of interpretation. Do you agree? Further, identify and explain the suitable methods of interpretation for the categories of contents mentioned above by giving supporting reasons.

3. Section 3 of the Armed Forces Special Powers Act, 1958 mentions as follows:

“Power to declare areas to be disturbed areas:

If, in relation to any State or Union territory to which this Act extends, the Governor of that State or the Administrator of that Union territory or the Central Government, in either case, is of the opinion that the whole or any part of such State or Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, the Governor of that State or the Administrator of that Union territory or the Central Government, as the case may be, may, by notification in the Official Gazette, declare the whole or such part of such State or Union territory to be a disturbed area.”

As a judge, you are required to interpret the nature of this Section and explain whether the provision is imperative or directory. Also, highlight the parameters that you would use to identify the nature of a provision.

4. Section 4 (c) and (d) of the Armed Forces Special Powers Act, 1958 states as follows:

“(c) of the arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest; (d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary.”

As a judge of the constitutional court, what would you consider in deciding the constitutionality of this Section? Importantly, explain the interpretation process that you would follow and in addition, highlight the important principles for interpretation of the Fundamental Rights under the Constitution of India.

5. Section 6 of the General Clauses Act, 1897 stipulate as mentioned below:

“Where this Act, or any [Central Act] or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not--

(a) revive anything not in force or existing at the time at which the repeal takes effect;

or

(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed."

Do you think that this Section applies to expiry of the statutes too? Comment with the supporting reasons.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Write short notes on the following:
 - a. Beneficial construction
 - b. Non-Obstante clause

 7. Comment on the use and importance of foreign precedents in the process of interpretation of statutes.
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Repeat Examinations (Odd–Semester), June 2021

LAW OF CONTRACTS - II

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Anupama guarantees Bubloo, a toor dal dealer that she will pay Rs.1000/- for any toor dal that he may from time to time supply to Sulthana. Bubloo supplies Sulthana with 10kg of toor dal to value of Rs.1000/ and Sulthana pays Bubloo for the same. Subsequently Bubloo supplies Sulthana with toor dal to the value of Rs.2000/-. But Sulthana fails to pay.
 - (i) Explain the nature of this contract of guarantee and consequences of revocation of this contract with relevant provisions of law and case laws.
 - (ii) Explain the survival of this contract if Anupama dies during the course of the contract with relevant provisions of law and case laws.
2. A pledge is a type of bailment whereas a hypothecation is not one. Explain this statement with relevant provisions of Law and illustrations.
3. Anupama, without Bargav's authority, lends Bargav's money to Chaitanya. Afterwards Bargav accepts interest on the money from Chaitanya. Explain the following:
 - (i) The relevance and validity of Bargav's act with relevant provisions of Law and illustrations
 - (ii) The act of Bargav accepting interest has caused loss to David because Bargav is not authorized to do so. What are the rights available to David. Explain with relevant provisions of Law and illustrations

4. Explain the principle of "*Nemodat quod non habet*" along with the exceptions to the rule with relevant provisions of Indian Contract Act 1872 and relevant judicial decisions.
5. The concept of Limited Liability Partnership is gaining importance and ease of doing business in today's world. It outperforms over conventional partnership setup. Explain the statement with relevant provisions of law and legal reasoning.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Mr. Sebastin, the captain of Gulmohar Ship signed bills of lading even before the goods were received on Board. Analyse the validity of the Bills of lading signed by Mr. Sebastin with relevant provisions of Law and relevant case laws.
 7. Explain the remedies available to finder of lost goods with relevant provisions of Law and relevant case laws.
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Repeat Examinations (Odd–Semester), June 2021

INTERNATIONAL TRADE LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. *“Absolute advantage and Comparative advantage largely influence how and why nations and businesses devote resources to the production of particular goods”*. Evaluate this statement referring to the elements of Absolute Advantage Theory and Comparative Advantage Theory and their relevance in the Liberalisation, Privatisation and Globalisation (LPG) era.

2. The government of India has launched National Solar Mission with the intent to generate solar power capacity by 2022. As part of the Mission, the government has decided to purchase electricity only from the producers that used for its generation solar cells and modules of Indian origin. The United States of America has contended that the Domestic Content Requirement (DCR) of the Indian government violated the principle of National Treatment under the provisions of GATT and the TRIMS. The Government of India justified that the DCR is the need to secure compliance with its international obligations relating to Climate Change. In the light of the above facts, answer the following
 - (a) Whether the DCR is an exception to the National Treatment Principle of international trade system.
 - (b) Write a note on National Treatment referring the objectives of the TRIMS.
 - (c) Describe the importance of energy security and climate change exceptions under the GATT.

3. In early May 2020, Chinese and Indian troops engaged in an aggressive fight along the Indo-Sino border. Reacting to the border disputes, the Ministry of Electronics and Information Technology adopted a measure of a complete ban on Chinese app to secure India's sovereignty and public order. China contended that the non-transparent and ex-parte nature of internal governmental procedures resulted in the arbitrary application of the measures. This arbitrariness was deemed sufficient to conclude that the measure was not an exception to treaty obligations. Whether the China contention is sustainable? Critically examine referring to the relevant provisions of GATT.
4. *"The Preamble of the World Trade Organisation aims at allowing the states for the optimal use of the world's resources in accordance with the objectives of sustainable development. The WTO-DSU has earmarked that the WTO treaty must be read by a treaty interpretation in the light of contemporary concerns of the community of nations about the protection and conservation of the environment"*. Evaluate this statement referring to the legal elements of concept of the sustainable development and judicial decisions.
5. *The Doha Ministerial Declaration on the TRIPS Agreement and Public Health reaffirmed the objectives and principles of the Agreement as guidance for the implementation of TRIPS provisions in a manner responsive to public health objectives. Do you agree? Evaluate referring to the measures adopted by the states to fulfil treaty obligation on public health during the COVID-19 pandemic.*

PART – A (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. Comment upon *Reliance Industries Limited v. Designated Authority and Others*, 2001 (127) ELT 99.
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Repeat Examinations (Odd–Semester), June 2021

LAW OF CRIMES – I (INDIAN PENAL CODE)

Time: 3Hours 45 Minutes

Maximum Marks: 70

Instructions:

- Read the instructions carefully.
 - All Questions are Compulsory.
 - Support your answers with relevant provisions and cases.
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PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Xavie is a 25-year-old male having an enlarged liver. Due to his medical condition, he is susceptible to otherwise minor injuries becoming serious for him. His friend Savie is aware of his condition. Lately, both the friends were not on good terms and they argued often. One day, Xavie made a derogatory comment about Savie's parents which agitated him a lot. Savie kicked Xavie in the upper abdomen which ended up being fatal for Xavie and he died.

In light of the above facts, determine whether the death of Xavie amounts to murder. Also, determine whether Savie falls within the ambit of any exceptions under the Indian Penal Code, 1860. Support your answer with the help of legal provisions, suitable illustrations and case laws.

2. Rysa, a 24-year-old woman got married on 25th December, 2017 to Rutesh. Before the marriage took place, there were no demands for dowry from Rutesh and his family. Rysa's father, however had gifted her five acres of land right before her marriage out of love and affection. Rysa was optimistic that she would have a good married life and the initial few months of her marriage were indeed blissful. However, things changed after a year of marriage. Rutesh suffered from financial loss in his business and started pressurising Rysa to sell the land gifted by her father and also to procure additional Rs. 50,00,000/- from her father. Rysa refused to sell the land and pleaded that she cannot put such monetary burden on her father. On her refusal, Rutesh started

physically and mentally torturing her to pressurise her to get the money. Unable to bear the torture, on 23rd December 2020, she committed suicide.

In light of the above facts, determine whether Rutesh can be held liable for Rysa's death? Which provisions of the Indian Penal Code, 1860 would you invoke and why? Support your answer with relevant case laws.

3. Raksh is a married man with an 8-year-old daughter Nuyi. Joggi was Raksh's neighbour and was suffering from schizophrenia, a mental illness where a person has delusions and hallucinations. One day the main door of Raksh's house was open and Joggi entered. He had a knife in his hand. Nuyi was playing in the living room and Joggi put the knife to her throat. Raksh saw this and got extremely scared for his daughter's life. Raksh's wife Rayena came into the living room and saw the horrific scenario. Joggi started saying Rayena is a witch and she should be burned. Joggi threatens Raksh to burn his wife or else he will slit his daughter's throat. Raksh was in a painful dilemma but decided to save his daughter's life and put the bedroom on fire and locked his wife in it. Once Rayena was locked in the fire filled room, Jaggi set Nuyi free and ran out of the house. Raksh immediately took Rayena out of the bedroom but by that time she had already received third-degree burns on her body. She was immediately taken to hospital by Raksh where she is undergoing treatment and her life is out of danger. However, her skin is damaged beyond repair permanently.

In light of the above facts,

- a. **Determine if Raksh can take the benefit of the defence of compulsion due to threats under the Indian Penal Code, 1860. Comment upon the scope of the section and whether it requires any change according to you. (6 Marks)**
- b. **Whether Jaggi can take benefit of any of the general exceptions under the Indian Penal Code? Discuss with the help of case laws. (6 Marks)**
4. Miss Miya alleged that she has been subjected to rape by her love interest. She lodged an FIR and thereafter she was subjected to medical examination. Her medical examination showed no signs of physical injury. However, there was proof of recent sexual intercourse. Miss Miya alleges that although she was in a romantic relationship with the accused, she did not want to start a sexual relationship with him at that point. On continuous refusal on her part, the accused forced himself on her. Taken aback by the situation, she did not retaliate or resist back. When the case reached the trial court, the court decided in favour of the accused citing lack of physical injury and the nature of relationship between the prosecutrix and the accused. Miss Miya decided to prefer an appeal to the High Court.

In light of the above facts, answer the following,

- a) **Do you think the Trial Court's reasoning for acquittal of the accused is correct? (5 Marks)**

- b) If you were the trial court judge, what factors would you take into consideration to determine whether the offence of rape was committed or not? How much weightage would you give to the victim's testimony? Discuss in light of the legal provisions and case laws. (7 Marks)
5. Critically examine the constitutional limits on criminal law in light of the landmark judicial decisions of the Supreme Court of India.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Rakhi was a seventeen-year-old girl who was in love with Bhola, a nineteen-year-old boy. Rakhi's parents disapproved of her relationship with Bhola and prevented her from meeting him. Rakhi was upset about it and decided on her own to run away from her house to be with Bhola. Thereafter Bhola and Rakhi shifted to a different city to start a new life together. Meanwhile, Rakhi's parents lodged an FIR against Bhola for enticing their minor daughter and taking her away.

In light of the above facts, do you think Bhola is liable for any offence under the Indian Penal Code, 1860?

7. Axim makes an attempt to steal some jewels by breaking open a box and finds after opening the box, that there is no jewel in it. Has Axim committed any offence under the Indian Penal Code, 1860? Explain with the help of legal provisions and relevant judicial decisions.
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Repeat Examinations (Odd–Semester), June 2021

LAW OF DIRECT TAXATION

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer all the Questions by applying relevant Provisions of Law and Propositions laid down in the relevant judicial decisions

1. a) Mr.Krishna, A Person of Indian origin came from Mexico and resided in India as follows in the below given finance years

2016-2017 - 95 days

2017-2018 - 100 days

2018-2019 - 95 days

2019-20 - 80 days

He resided in India during the previous year 2020-21 for 130 days

His total income from India for the previous years 2020-21 is as follows

Income from house property - Rs.7,00,000/-

Dividend - Rs.3,00,000/-

Technical fee - Rs.5,00,000/-

Decide his residential status keeping in mind Resident, Non Resident, Ordinary Resident, Not Ordinary Resident and Deemed Resident. Substantiate your answer with relevant provisions of law

- (b) Mr.Kumar in India was a dealer for AUDI luxurious car for India. Promoting the said car, he held a product launch event in Dubai. He invited so many Indians for the function targeting the Indian market. He arranged Mr.Nicholas Cage, an American celebrity for launching the car. Nicholas charged a fee of \$ 4,44,000 plus incidental costs.

Income tax authorities claimed that Kumar failed to withhold to be paid by Nicolas Tax authorities claimed that the fee earned by Nicholas had a business connection with India and is under duty topay tax.

Kumar took the defence that the income cannot be deemed to have arisen in India and the need for withholding does not arise. Decide.

2. (a) Mr. Hyderan is an employee of Government of India. His monthly salary for the previous year 2020-21 is given as follows

Basic pay	-	Rs. 75,000/-
Dearness allowance	-	Rs. 36,000/-
House rent allowance	-	Rs. 9,000/-
City Compensatory Allowance	-	Rs. 5,000/-

His expenditure for 2020-21 is as follows

1. Provident fund	-	Rs. 24,000/-
2. Health insurance premium	-	Rs. 12,000/-
3. Life insurance premium	-	Rs. 15,000/-
4. Housing loan principal amount	-	Rs. 36,000/-
5. CM Covid relief fund	-	Rs. 10,000/-
6. PM Relief Fund	-	Rs. 10,000/-

Compute the taxable income for the previous year 2020-21.

- (b) B is the owner of a few houses in Chennai. The rent for one subjected to income tax was Rs. 1,00,000/- per month. It was rented for the entire period in the previous year 2020-21. Standard rent for the house is Rs. 84,000. Municipal value is Rs. 96,000/-. The fair rent is Rs. 1,20,000/-. The property tax paid is Rs. 12,000/ year

Compute the income from house property for the previous year 2020.

3. a) The income of Arjun (excluding agriculture income) for the previous year 2020-21 is Rs. 9,50,000/-

He is 65 years old. His income from beekeeping is Rs. 50,000/. His income from growing flowers is Rs. 1,00,000/-. Compute the income tax payable by him for the previous year 2020-21

- (b) Joseph bought a plot of land for Rs. 10,00,000/- in Jan - 2011. After 10 years, in January 2021, he sold off his land for Rs. 30,00,000/-.

He had put up a compound wall in the plot in the year 2015. spending about Rs. 2,00,000/-

compute the tax chargeable for the previous year 2020-21

cost inflation Index for 2010 is 167

cost inflation index for 2015 is 240

cost inflation index for 2020-21 is 301

4. (a) THIRU Company Ltd., carried the business of purchase and sale of shares. The Co carried three transactions, in the first transaction it bought the shares and sold it within six months and incurred the loss of Rs. 5,00,000/-. In the second transaction it bought shares for trade and sold in the same day incurring the loss of Rs. 5,00,000/-. In the third transaction it bought the share in a future date with a predetermined price. The company got Rs. 10 lakhs as gain. The company wants to set off the losses and gains under the business head. But the income tax authorities claim that basing on the nature of loss and gain there cannot be set off among them. Decide.
- (b) Spouse(wife) was drawing salary as nurse-cum-supervisor from a nursing home in which her husband was a partner. He was having 20% share in the firm. She had the qualification of M.Sc (Bio-Science). They have a minor son. He earned Rs 1,00,000/- lakh for giving a show in a serial which was deposited in the bank. Then he(minor son) derived interest for the deposit. Analyse these facts in relation to clubbing of income for assessment
5. Explain the dual jurisdiction on source based levy of income tax and the double taxation avoidance agreement.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Can the High Court interfere with the factual findings of the Income Tax Appellate Tribunal (ITAT)? Explain?
7. Rajan has filed the IT return incorrect bank details. Are there any remedies available under the IT Act, 1961.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Repeat Examinations (Odd–Semester), June 2021

ELECTION LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

Instructions:

- The problem-based questions should be preferably answered in the *Issues-Research-Analysis-Conclusion (IRAC)* method by quoting relevant legal provisions and judicial precedents.
- All the questions should be answered by quoting at least three relevant precedents and/or illustrations.
- 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:

- Comment on each of the following statement about the *Election Commission of India (ECI)* whether they are 'correct' or 'incorrect'. Substantiate your answer with detailed and cogent reasons by quoting relevant legal provisions and judgments:
 - ECI is responsible for conducting the elections of President, Vice President and Municipal Corporations in India.
 - The Indian Constitution envisages ECI to be a multi member body.
 - The powers of the Chief Election Commissioner (CEC) and two other Election Commissioners vary in many ways.
 - Only Indian Administrative Service (IAS) cadre officers shall be appointed to the post of Election Commissioners.
- The Chief Minister of the State of Dravid Pradesh is Mr. XYZ. Upon the completion of 3 years of his 5 years' tenure, his Government recommended to the Governor of the State for dissolution of the Legislative Assembly. The reasons quoted for dissolution is that his party prefers to have an early election to seek

fresh mandate from the people. However, the Governor declined to dissolve the assembly. Instead, he recommended for imposition of the Presidents Rule in the State under Article 356 of the Indian Constitution on the ground that the entire period of 5 years of the life of the legislative assembly has not elapsed. Discuss the validity of Governor's actions in the light of constitutional principles and judicial precedents.

- 3 Explain the term '*Office of Profit under the Government*' as mentioned in Articles 102(1)(a) and 191(1)(a) of the Constitution of India. Does the Election Commission have any role to play in adjudicating issues relating to office of profit? Examine whether the following persons can be disqualified for holding office of profit.

- a) Parliamentary Secretaries
- b) Vice – Chancellor of a Central and State Universities
- c) Government Pleader of the Madras High Court
- d) Chairperson of the National Film Development Corporation

- 4 Mr. ABC is the Chief Minister (CM) of the State of Dravid Pradesh. One year after assuming office, dissidence developed in ruling party MLA's, as the Chief Minister could not satisfy some of the MLA's who were aspiring for Minister posts. Ms. XYZ, one of the dissident MLA's of the ruling party constantly criticized the Chief Minister and his style of leadership as autocratic. She publicly supported the Opposition Party Leader and used to attend the family functions and meetings organised by the Opposition Leader.

The Speaker of the Dravid Pradesh Legislative Assembly took note of the conduct of Ms. XYZ and initiated '*suomoto*' anti-defection proceedings against her under the Tenth Schedule of the Indian Constitution. Ms. XYZ objected to '*suomoto*' action. However, the Speaker proceeded with the enquiry and later, Ms. XYZ was disqualified. Now Ms. XYZ has approached the High Court of Dravid Pradesh on the ground she has a fundamental right to freedom of speech and the disqualification order is a gross misuse of the anti-defection law by the Speaker. However, the Speaker of the Assembly argues that his decision is final and is not subject to any judicial scrutiny. Decide.

- 5 During the 2004 Indian General Elections, the largest constituency was Outer Delhi with 33,68,399 electorates, whereas the smallest constituency was Lakshadweep with only 39,033 electorates. In effect, a vote in Lakshadweep had 86 times the value when compared to a vote from Outer Delhi. Thus, each voter had an unequal voice in the Indian Parliament. In addition, the constitutional moratorium froze the number of reserved constituencies for the Scheduled Caste (SC) and Scheduled Tribe (ST) Communities. However, it was a well-known fact that by 1990 itself, the proportion of SC and ST population in India had increased significantly and had a delimitation been done based on the 1991 Census, SC's

would have got a greater number seats in the Lok Sabha. Keeping the above scenario in mind,

- a) Explain the concept of '*delimitation*' and how it is different from '*gerrymandering*'?
- b) Explain the effect of freezing of delimitation.
- c) Whether a moratorium on freezing delimitation systematically undermines the principle of '*one-person, one-vote, one-value*'.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

- 6 Mr. XYZ was a candidate from the Trichinopoly constituency. In one of his campaign rallies, he was accompanied by the Head Priest of the local Shiva Temple. The Head Priest requested his followers to vote for Mr. XYZ, as he was a pious Hindu and a devotee of Lord Shiva. Whether this conduct amounts to appealing to voters in the name of religion? Can Mr. XYZ be held liable for corrupt practice or an electoral offence?
 - 7 "*The intention of the Constitution drafters was that the Election Commission of India (ECI) should be independent, but it should not become a 'Kingdom within a Kingdom', and that it should not sit as a 'Super Government'.*" Comment.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd–Semester), June 2021

LAW OF EVIDENCE

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Critically analyse the maxim '*Nemo Moriturus praesumitur mentire*' and its evidentiary value in Indian courts of law.
2. '*To what extent the Apex Court considered the admissibility of electronic evidence in Navjot Sandhu and Shafi Mohammed? Also, why Arjun Panditrao case is considered the master of all electronic evidence cases*' - Elucidate the given statement.
3. Rajju, the plaintiff filed a civil suit for permanent injunction against the defendants with the averments that the absolute right over the property is in question. Subsequently, there was litigation between the predecessor in title as well as the plaintiff but as regards the present defendants, no written statement was filed by them and since no written statement was filed, no issue was framed. However, the controversy raised in the civil suit was decided on the basis of the averments of the plaintiff as well as the documentary evidence produced by the plaintiff. In support of the averments of the plaintiff, the plaintiff Rajju examined himself as PW-1 and in documentary evidence, the plaintiff produced Ex.1 the certified copy of the sale deed by Rajju to Munki Devi (present defendant).

Answer the following question having the importance of the documentary evidence in mind,

- a. As a counsel, advise Munki on this case taking the averments made in the plaintiff and the oral evidence of the plaintiff into consideration.
4. Prashu, a Station House Officer reached the murder (of a young boy) spot and quickly identified that the offenders have absconded. The security guard was last identified with the deceased. Also, the Crime scene investigation reports forwarded the following evidence to the forensic department. They are,
 - a. Blood samples collected from the wall
 - b. Hair samples collected from the weapon
 - c. An empty Cyanide vial
 - d. 2 sharp-edged weapons
 - e. CCTV footage.

Having the above hypothetical situation in mind, elaborate on the kinds and theories of evidence provided in the Indian Evidence Act.

5. In the case of Ramesh Dasu Chauhan and Anr. *V.* The State of Maharashtra, the Bench comprising Hon'ble Mr. Justice Rohinton Fali Nariman and Hon'ble Mr. Justice Surya Kant reiterated that "since the appellants have not disputed their identity in the cross-examination of the star witness or any other witnesses, it is too late for them to allege that no Test Identification Parade was conducted." Also, "It is no longer debatable that the Identification Parade of the accused before the Court is not the main substantive piece of evidence, rather it is corroborative in nature." Critique the principles of the Test Identification Parade (TIP).

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Compare Admissions and Confessions in light of the landmark judgements.
7. As per the explanation provided in section 55 of the Indian Evidence Act, the word "character" includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition was shown.

Interpret the role of relevance and admissibility of the character evidence in civil and criminal proceedings having the statutory explanation in mind.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd-Semester), June 2021

LAW OF SOCIAL TRANSFORMATION

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. *"Socio-Legal Research is the event where the science of law meets the science of society"* – Elucidate the significance of socio-legal research in the contemporary Indian context.
2. Explain Caste as an aspect of culture. *"Equal by law and unequal by caste"* – Expound.
3. *"Section 377 was a weapon to harass members of LGBT community, resulting in discrimination."* – Explain the role of cause lawyering in decriminalizing S.377 of the Indian Penal Code
4. *"Devadasi system – A gender based exploitative ritual which refuses to depart"* – Critically Comment.
5. *"We won't move, the dam won't be constructed"* – Critically examine the interaction between Social Protest and Legal change with reference to Sardar Sarovar Project.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

1. Explain the relationship between Law and Modernity.
2. How does the "lens" and objectivity of Law impact social change?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd–Semester), June 2021

MEDIA LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. An oft-quoted sentence from Justice Sabyasachi Mukharji's judgment in *P.N. Duda v P. Shiv Shankar and Others* (AIR 1988 SC 1208) states "Any criticism about the judicial system or the judges which hampers the administration of justice or which erodes the faith in the objective approach of judges and brings administration of justice into ridicule must be prevented." However, Section 5 of the Contempt of Courts Act, 1971 assures us that fair criticism of judicial act is not contempt. Critically evaluate whether Justice Mukherji's statement was in contradiction of the law.
2. On 13 May 2021, the following tweet was published from the verified Twitter account of a well-known Member of Parliament and later deleted - "*All anti-nationals are from a particular religious community and we all know who they are! It's high time we the citizens of this country stand up for what is rightfully ours!*" Analyse whether the said tweet falls within the ambit of hate speech and substantiate your answer with reference to relevant legislations as currently in force in India.
3. Time and again, the Supreme Court of India has emphasized on the need for censorship in cinema and upheld the constitutional validity of The Cinematograph Act, 1952. However, a lot of films that did not get certified for public exhibition by the Central Board of Film Certification (CBFC) are now available in online streaming platforms like Netflix or Amazon Prime, and statistics reveal the demand of such otherwise "banned" content to be quite high amongst viewers. Is this an indication that censorship is an outdated concept in modern world? Discuss with appropriate examples.
4. A renowned actress recently came under the line of fire after her scantily-clad pregnancy photoshoot was published in the cover page of a national magazine. Public criticism ranged from unsuitability of the photograph as cover page material to visual obscenity of a pregnant female body under Section 4 of the Indecent Representation of Women (Prohibition) Act, 1986. Comment on the rationality of these allegations

with reference to the “Community Standard Test” as formulated by the Supreme Court of India.

5. In the highly acclaimed web series “The Family Man” the central protagonist working on behalf of the National Intelligence Agency was seen to order the “tracking” of phones of numerous people at different times, including that of his own wife, irrespective of them being directly related with the crime at hand. Critically examine if such tracking violates the right to privacy of the concerned people.

PART – B (2 x 5 = 10 marks)

Answer the following questions: (Not more than 8 -10 lines)

6. Give a brief overview of any one method of content regulation under the Cable Television Networks (Regulation) Act, 1995.
 7. Reflect on any one drawback of the Right to Information Act 2005 and discuss its possible solution.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme****Repeat Examinations (Odd–Semester), June 2021****BANKING LAW**

Time: 3Hours 45 Minutes

Maximum Marks: 70

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

1. Ministry of Finance has circulated a proposal for decriminalizing Section 138 of the Negotiable Instrument Act, 1881. Argue against the proposal.
2. The “holder in due course” doctrine governs negotiable instruments such as checks and promissory notes. How does the doctrine play out under Indian and English Law? Does the doctrine need reform? Critically analyze.
3. Recently NBFC’s have been in the news for all wrong reasons. RBI has been accused of light-touch regulatory approach to NBFCs. Is more regulation for NBFC the way ahead? Analyze the regulatory scenario and potential areas of reform in line with the current governmental objective of removing regulatory arbitrage between NBFCs and banks.
4. Recently, in case of Punjab and Maharashtra Co-operative bank Reserve Bank of India under Section 35(A) of Banking Regulation Act, 1949 imposed regulatory and withdrawal restrictions upon the said bank due to its irregularities disclosed to the RBI. Does Consumer Protection Act cover such scenarios? What kind of remedy can a customer expect in such cases? What is the role of RBI in consumer protection?
5. A common issue plaguing Banking Ombudsman is technical errors leading to rejection of complaints. How far the institution of Banking Ombudsman been successful? Can the resolution process followed by the Ombudsman be bettered?

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Relationship between banker and customer is dynamic. Justify
 7. Have public sector banks such as NABARD and SIDBI been able to fulfill their intended roles?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd-Semester), June 2021

POLITICAL SCIENCE - III

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. David Singer considers a Level of Analysis to be an 'orientation' with which analysts approach a problem, in which they can always look 'upon the components'- Critically evaluate the important components of Levels of Analysis with a couple of Cases as examples.
2. With the end of the Cold War, the world witnessed a fundamental shift in the structure and patterns of international relations. Analyse the structural changes that taken place in the international system during the PostCold-War years.
3. Analyse the incidents that have taken place in the recent past which have damaged the political relations between India and Pakistan which ultimately have resulted in dysfunctioning of SAARC.
4. In July 2016, the Permanent Court of Arbitration issued its ruling on a claim brought against China by the Philippines under UN Convention of the Law of the Sea ruling in favour of the Philippines on almost every count of the South China Sea dispute. China refuses to accept the Court's authority. In the light of this incident specify the options left to the international community and to the United Nations Organization to make the States to strictly adhere to International Laws and protect International Peace.
5. What is your understanding of NIEO? Make a political analysis of the success or failure of NIEO.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Should we strive to preserve the system of Sovereign States? Why or why not?
7. Explain the relevance of ideas pertaining to Realist Theory of International Relations to contemporary times with some examples.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd–Semester), June 2021

LEGAL HISTORY

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. “Unlimited power is apt to corrupt the minds of those who possess it; and this I know, my lords: that where law ends tyranny begins” . Comment on this statement with special reference to the administration of the East India Company in the Indian subcontinent.
2. Do you believe that the Charter of 1726 improved the judicial system in Madras and Calcutta Presidencies? Analyse with suitable examples.
3. Do you agree with the statement that *Code Cornwallis was an honest attempt to establish the rule of law in India?* Explain with reasons.
4. Indian legal practitioners were not allowed to practice in all the courts which were accessible to Englishmen in the second half of 19th century. Why was this so? When and how were they permitted into the Courts?
5. Indian Council Acts were the progressive step towards legislative decentralization. Do you agree? Justify with suitable illustration.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

1. The abolition of Supreme Court and *Saddar* Courts by Indian High Courts Act, 1861 improved the judicial system in India or do you think it lead to the deterioration of the traditional legal system in Bengal Province.
2. “There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution”. Examine this statement with regard to the Indian Constitution.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd-Semester), June 2021

ECONOMICS - II

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. An economy is characterised by the following equations:

$$C \text{ (Consumption)} = 60 + 0.9Y_d$$

$$I \text{ (Investment)} = 10$$

$$G \text{ (Government expenditure)} = 10$$

$$T \text{ (Tax)} = 0$$

$$X \text{ (Exports)} = 20$$

$$M \text{ (Imports)} = 10 + 0.05 Y$$

- a. What is the equilibrium income?
 - b. Calculate trade balance.
 - c. What is the value of foreign trade multiplier?
2. a. How is private investment affected if increase in Government spending is financed by sale of Government bonds? Do you think borrowing from the Central Bank to finance budget deficit is preferable if desired expansionary effect is to be realised?
- b. How far are the quantitative methods of credit control effective in developing countries like India?

3. Calculate

- a) GDP at market prices and
b) National income from the following information.

Particulars	in ₹
Personal consumption expenditure	6,500
Indirect taxes less subsidies	150
State government consumption and investment expenditure	500
Central government consumption and investment expenditure	2,000
Change in business inventories	100
Gross private domestic fixed investment	1,200
Exports	900
Net factor payments to rest of the world	100
Imports	1,200
Depreciation	200

4. Calculate Consumer Price Index from the following information.

Assume $Q_i^0 = Q_i^1$ & Base year = 2012

Item	Quantity Q_i^0	Price in 2012 P_i^0	Expenditure in 2012 $P_i^0 Q_i^0$	Price in 2021	Expenditure in 2021 $P_i^1 Q_i^1$
Rice	25 kg	₹ 5/kg		₹ 10/kg	
Pulses	5 kg	₹ 10/kg		₹ 25/kg	
Clothing	5 m	₹ 20/m		₹ 50/m	
Housing	1 room set	₹ 500 per one room set		₹ 800	

5. How the exchange rate of rupee in terms of US dollar will be affected if India has a deficit on current account of the balance of payments? Explain the factors that cause changes on the exchange rate of a currency.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Calculate whole sale price index (WPI): Assume that the price of a kilogram of rice in 2012 was Rs 5.65 and in 2021 was Rs 6.10, The WPI of wheat for the year 2021 is? (Assume WPI for the base year =100)

 7. Suppose the level of autonomous investment (I) in an economy is 200 crores. The following saving function is given: $S = - 80 + 0.25 Y$. Find the equilibrium level of income.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd-Semester), June 2021

HISTORY - III

Time: 3 Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. *"The importance of learning South Indian Culture enriched Indian Culture as a whole"*. Comment on the given statement.
2. Kaveripattanam, Nagapattanam and other Chola towns became seats of trade and centres of many religious faiths including Buddhism. Critically comment with suitable illustrations.
3. Do you agree that the selection and qualification of Anthanar and the types of evidence during the *Sangam* Age were much superior to the present century? Elaborate your answer referring to *Sangam* literature.
4. Judicial system was administered in a rough and ready manner by the local authorities of later Pandya Kingdom. Analyse this statement referring to appropriate sources.
5. *"Portuguese Judges had a cumulative jurisdiction in all the criminal cases in Goa in the 17th century"*. Do you agree? Critically examine.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. The *Nagarattar* cooperated with state officers, temple authorities and corporate bodies such as *sabhai* and *ur*, in the management of temples in ancient *Thamizhakam*. Examine.
7. Write a critical note on Law and Justice in the Vijayanagar kingdom.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Repeat Examinations (Odd–Semester), June 2021

FINANCIAL SERVICES AND MARKETS

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. ISQAA Solar Limited is searching options to raise Rs.20,000/- crores from the primary market for diversification and modernisation of existing projects. It hired the services of a renowned financial consultancy firm, D Pvt. Ltd., for suggesting options for the same. D Pvt. Ltd., suggested a list of options to the Board of Directors of the company. It was decided that for the immediate requirement of Rs.1,500/- crores the company will give a privilege to existing shareholders to subscribe to a new issue of shares according to the terms and conditions of the company. Rs. 4,500/- crores would be raised by allotment of securities to a consortium of financial institutions, instead of inviting subscription from the public by making a direct appeal to investors to raise capital. It was further decided to raise capital to the tune of Rs.6,000/- crores through an issuing house. All these options were accepted by the Board of Directors. The Board further decided to raise Rs.8,000/- crores through the on-line system of the stock exchange by entering into an agreement with the exchange.
 - a. Identify the method of floatation of new issues in the primary market, not taken up by ISQAA Solar Ltd.,
 - b. Rs.4500/- crores would be raised by allotment of securities to a consortium of financial institutions, instead of inviting subscription from the public by making a direct appeal to investors to raise capital. Identify the method of floatation of new issues in the primary market being discussed above, which the company has decided to use.
 - c. Identify the reason which has made the firm raise funds from the institutional investors.
 - d. How much money was raised by the company through E-IPO's ?

2. "Unicon Securities Pvt. Ltd.," was established to deal in securities. It was registered as a stock broker with National Stock Exchange (NSE) and Bombay Stock Exchange (BSE) to trade in securities listed at these exchanges. It is also a depository participant with CDSL and NSDL. In the first three years, it developed its business successfully. After that the composition of Board of Directors changed. Some customers complained to the customer care centre of the company that shares purchased by them and for which the payment has been duly made, were not transferred to their D'mat Accounts by "Unicon securities Pvt. Ltd." The executive of customer care centre promised the aggrieved customers that their shares will be transferred to their respective D mat Accounts very soon. But the company delayed the matter and didn't transfer the shares of the customers to their D mat Accounts. This eroded "investors" confidence and multiplied their grievances.
- a. Identify the steps of trading procedure in a stock exchange which has not been followed by "Unicon Securities Pvt. Ltd."
 - b. Explain how the customers grievances can redressed about "Unicon securities Pvt. Ltd."
 - c. Write the values not followed by "Unicon Security Pvt. Ltd."
3. Punjab National Bank (PNB) has forayed into factoring business through the joint venture route. The joint venture company, India Factoring & Finance Solutions Pvt Ltd., (IFFSL), on Wednesday commenced commercial operations simultaneously in New Delhi, Mumbai and Chennai. To begin with, IFFSL will focus on domestic factoring and provide this financing solution primarily to small and medium enterprises (SMEs) and small-scale industries, PNB Chairman and Managing Director, Mr K. R. Kamath, said. Factoring is a financial transaction where a business sells its accounts receivable to a third party called 'factor', which undertakes the activity of financing the receivables, administration of debt and collection of debt. PNB has a 30 per cent stake in IFFSL and has already pumped in 30 crore into the venture. IFFSL has commenced operations with an initial paid-up capital of 100 crore, according to Mr Mohan Tanksale, Chairman of IFFSL, and an Executive Director of PNB. Malta-based FIM Bank Plc has 49 per cent stake in IFFSL. The remaining stake is with other joint venture partners - Italy-based Banca IFIS and Blend Financial Services of Mumbai. Mr Kamath also said that regulatory approvals have been sought for IFFSL to provide international factoring/forfeiting. "Once the regulatory approval is received, IIFSL will provide both domestic and international factoring," he said. He also highlighted that factoring business in India has not made much progress due to lack of consolidated legal framework for the business. However, there has been growing realisation that factoring can be a solution for receivable management of the SME sector, Mr Kamath noted, in India, SMEs employ

about 60 million people and account for about 45 per cent of total exports (in value terms) from the country.

- a. Discuss in detail the impact of factoring business on Punjab National Bank's (PNB)
 - b. Explain the mechanism and legal implications of factoring followed by Punjab National Bank's
4. Enumerate in detail the regulations of SEBI with respect to mutual funds. Has the industry taken them with open arms? Why/ Why not?
 5. Critically evaluate the functioning of financial services sector in India in past 5 years.

PART -B (2 x 5 =10)

Answer the following questions:

6. Do you think RBI has been able to successfully shield Indian economy from the global recession? Support your argument with reasons.
 7. Comment upon the causes for the unpopularity of the concept of securitization India. What suggestions do you offer to make it popular?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd-Semester), June 2021
ADVANCED COURSE ON PATENT LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. "Normally, Anti-trust regime does not intervene with the exclusionary jurisdiction of Intellectual Property Rights (IPR), since innovation is *sine qua non* for healthy competition. Once an enterprise secures IPR protection over its innovated technology, competition laws do not cast a 'duty to deal'. But standard setting raises a variety of antitrust/competition issues" – Critically examine this statement in the light of Standard Essential Patent (SEP) and also give your opinion about the incorporation of the provisions relating to SEPs in the Indian Patent Regime.

2. a) Mr A is a mathematician used mathematical formula in a computer to produce an improved curve image. Then he applied for patent. Would he succeed? Frame appropriate issues and decide in detail. **(6 marks)**

- b) "The protection and enforcement of Intellectual Property Rights should contribute to the promotion of technological innovation and the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and this economic welfare, and to a balance of rights and obligations." – Explain statement in the light of green technology. **(6 marks)**

3. Mr. X is the assignee of several patents that disclose a scheme for mitigating "settlement risk," in the financial transaction i.e., the patent claims are designed to facilitate the exchange of financial obligations between two parties by using a computer system as a third-party intermediary. The patents in suit claim are (i) a method for exchanging financial obligations, (ii) a computer system configured to carry out the method for exchanging obligations, and (iii) a computer-readable medium containing program code for performing the method of exchanging obligations. Mr. Y who operates a global network that facilitates currency transactions, filed suit against Mr. X arguing that the patent claims in question are

invalid, unenforceable, or not infringed. Mr. X made an application for counterclaim, alleging infringement.

Frame appropriate issues and decide in detail by referring the provisions of U.S Patent Laws and also compare those provisions along with the Indian Patent Act, 1970.

4. "The object of the patent legislation and the related international conventions are not only to encourage the patent holders to produce more invention but also to balance the rights of the patent holder and the rights of the society at large. In other words, the wellbeing of the public at large will prevail over that of the patent holder" – Elucidate this statement in the light of COVID-19 pandemic and provisions of the compulsory licenses under the Patent regime.
5. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement contains general provisions and basic principles concerning intellectual property, as well as a catalogue of standards concerning the availability, scope and use of intellectual property rights, which have to be adopted by member states. Examine the statement with particular reference to patents.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Mr. Anand Subramaniam a scientist from Tamil Nadu conducted a research and invented the machine which is useful for atomic energy and to claim a patent for his invention, he applied for a patent before the Controller of Patent in Chennai. Will the patent be granted for the invention? Frame appropriate issues and give cogent reasons with relevant provisions involved and also refer to the relevant case laws, if any.
 7. The Patent Law Treaty, 2000 introduced harmonization of number procedures in the patent application process and this harmonization take into account the procedures of the PCT – Critically examine.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd–Semester), June 2021

CORPORATE FINANCE LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Write a critical comment on *Walford and Others v. Miles and Another*, [1992] 2 AC 128. In your analysis you should apply Indian law and specify if the outcome would be different.
2. Tech Support Pvt. Ltd., (TSPL) has decided to issue equity. As on date, the founders have invested a sum of 20 crores in the venture. TSPL intends to infuse a sum of 100 crores. Advise TSPL on the available options for issuing equity. What are the requirements, if any, TSPL should fulfil in order to access SME Board?
3. Write a case comment on *DLF Limited v SEBI*, Appeal No. 331 of 2014, Date of decision: 13.03.2015, Securities Appellate Tribunal, Mumbai. Is the issuer company bound to provide information outside the ambit of disclosures under the SEBI (ICDR) Regulations demanded by a prospective investor?
4. Trichy Cotton Pvt. Ltd., (TCPL) is in need of about 500 crores of equity finance. TCPL is not in compliance with Regulation 6(1) of the SEBI (ICDR) Regulations, 2018. Hence, it seeks your advice for planning the public offer as per the extent SEBI regulations. You are required to advise TCPL for structuring this issue and conditions, if any, TCPL has to fulfil. Further, you are required to state that the percentage of equity to be issued to qualified institutional buyers.
5. Agrochem Pvt Ltd., has issued a private placement memorandum for issuing additional shares. Mr Ilango Anbu, one of the recipient of the said memorandum has alleged that the information contained in it are incorrect. Accordingly, he has filed an application before SEBI for suitable directions to APL to supply full and

correct information. Further, he has requested SEBI to ban APL from issuing any securities till the appropriate information is supplied to him. Assuming yourself to be an officer of SEBI authorised to consider this application and decide the matter.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Ms. Sumi, one of the promoters, has subscribed 25% of the issue in the IPO on 22.07.2019. Now she is proposing to transfer about 50% of the stake. You are required to state if this transfer is permissible and the conditions, if any, required for such transfer.

 7. Nice Trichy Ltd., (NTL) has filed the offer document with the Board and the Registrar of Companies. It is yet to complete the actual allotment process pursuant this offer document. In the meanwhile, NTL is intending to place shares worth 10 crores privately. Is this permissible under the SEBI (ICDR) Regulations?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Repeat Examinations (Odd–Semester), June 2021

CORPORATE ACCOUNTING

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Sunshine company issues 50,000 equity shares of Rs.100 each at a premium of 10 per cent (received at the time of allotment). The net amount payable is as follows:

On application Rs.20/-

On allotment Rs.40/-

On First call Rs.25/-

On final call Rs.25/-

The company received 80,000 applications, 20,000 were rejected, and 60,000 were allotted on pro-rata basis. Money over paid on Application was used towards the money due on allotment. All the money was duly received except one shareholder, Mr. Gold holding 100 shares did not pay final call money. The shares were forfeited and reissued to Mr. Silver at Rs.85 per share as fully paid up. Pass necessary Journal entries and prepare important Ledger Accounts.

2. ABC Ltd., was incorporated on 1.5.2019 to take over the business of MNO & Co. from 1.1.2019. The summarized profit and Loss account as given by ABC Ltd., for the year ending 31.12.2019 is as under:

Summarized Profit and Loss Account

Particulars	Rs.	Particulars	Rs.
To Rent and Taxes	90,000	By Gross Profit	10,64,000
To Salaries including Manager's Salary Rs.85,000	3,31,000	By interest on Investments	36,000
To Carriage Outwards	14,000		
To Printing and Stationery	18,000		
To Interest on Debentures	25,000		
To Sales Commission	30,800		
To Bad Debts (related to Sales)	91,000		
To Underwriting Commission	26,000		
To Preliminary Expenses	28,000		
To Audit Fees	45,000		
To Loss on Sale of Investments	11,200		
To Net Profit	3,90,000		
	11,00,000		11,00,000

Prepare a Statement showing allocation of expenses and calculation of pre-incorporation and post-incorporation profits after considering the following information:

- (i) Sales for January and October were 1.5 times the average monthly sales while sales for December were twice the average monthly sales and sales for March and September is thrice of the average monthly sales.
 - (ii) Manager's salary was increased by Rs.2, 000/- pm from 1.5.2019
 - (iii) All investments were sold in April, 2019
 - (iv) The entire audit fees is relates to the company
3. From the following information relating to Agni Bank Ltd., prepare Profit and Loss Account for the year ended 31st March, 2021 along with the necessary schedules:

Items	Rs. (000)	Items	Rs. (in 000)
Interest/discount on advance /bills	31,628	Advertisement and Publicity	87
Income on Investments	11,810	Depreciation on Bank's property	292
Interest on balances with RBI	4,243	Directors' fees, allowances and expenses	7
Commission, Exchange and Brokerage	2,907	Auditors' fees and expenses	41
Profit on sale of Investments	114	Law charges	22
Interest on Deposits	31,404	Postage, telegrams, telephone etc	312
Interest on RBI Borrowings	3,362	Repairs and maintenance	91
Payments to and Provisions for employees	9,717	Insurance	915
Rent, taxes and Lighting	955	Other expenditure	884
Printing and Stationery	213	Balance of Profit and Loss account b/f	1524

Following adjustments are to be made:

- (i) Every year, the bank transfers 25% of profit to statutory reserve and 5% of profit to revenue reserve
- (ii) Dividend amounting to Rs.2, 00,000 for the year ended 31st March, 2021 is proposed by the Board of Directors.

4. Apple Ltd., Purchased 2,00,000/- shares of Rs.10/- each in Orange Ltd., on 1st October 2019. The summarized Balance Sheet of Apple Ltd., and Orange Ltd., as on 31st March, 2020

Liabilities	Apple	Orange	Liabilities	Apple	Orange
Share Capital @ Rs.10 each	50,00,000	25,00,000	Land & Building	12,50,000	11,25,000
General Reserve	2,50,000	3,75,000	Plant & Machinery	50,000	1,00,000
Profit & Loss Account	1,25,000	1,12,500	Investments in Orange Ltd Shares	22,00,000	-
8% Debentures	-	5,00,000	Sundry Debtors	4,50,000	6,75,000
Sundry Creditors	10,00,000	5,00,000	Bills Receivable	25,000	37,500
Bills Payable	50,000	25,000	Stocks in Trade	15,00,000	15,75,000
			Bank Balance	7,00,000	4,50,000
			Goodwill	2,50,000	50,000
	64,25,000	40,12,500		64,25,000	40,12,500

The bills receivable of Orange Ltd., includes bills for Rs.20,000/- accepted by Apple Ltd. An amount of Rs.75,000/- was transferred by Orange Ltd., from current year profit to general reserve account. The fixed assets of the Orange Ltd., have increased by 10% and the creditors' account of Orange Ltd., may be settled by Rs.4,80,000/-. Prepare a consolidated Balance Sheet.

5. Explain and illustrate how the following items are to be shown in the Balance Sheet of a company to comply with the requirements of the Companies Act, 2013:

- (a) Share Capital; (b) Secured Loan; (c) Fixed capital expenditure; (d) Current Liabilities; (e) Sinking Fund; (f) Patents and Copyrights; (g) Interest Accrued and Due on Unsecured Loan.

PART -B (2 x 5 =10)

Answer all the questions

6. "Unpaid dividend can be kept by the company without any time limit". – Explain in detail.

 7. For accounting purpose, certain steps are required in case of amalgamation in the nature of purchase or absorption or external reconstruction. Analyse these steps in the light of the Indian Accounting.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat Examinations (Odd–Semester), June 2021

COMPETITION LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

Instructions:

- a. The problem based questions should be preferably answered in the *IRAC Method* by quoting relevant judicial precedents.
- b. All the questions should be answered by quoting at least three relevant precedents and/or illustrations.
- c. 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. A mutual understanding was reached among the members of the '*Association of Halwa Manufacturers of Tirunelveli*', an unregistered association to control and regulate the price and supply chain of the famous '*Tirunelveli Iruttu Kadai Halwa*'. However, the understanding was not in writing and the same was not intended to be enforced by law. Explain whether the said understanding can be considered as an '*agreement*' and whether the Competition Commission of India (CCI) has jurisdiction over this Association by making a comparative analysis of the relevant provisions in the *Competition Act, 2002* and the *Monopolies and Restrictive Trade Practices (MRTP) Act, 1969*.
2. *Vijay Coolers Pvt. Ltd.*, (hereinafter '*Seller*'), manufacturer of sunglasses entered into an Agreement with *Ajith Optical Traders* (hereinafter '*Purchaser*') for sale of its products. The Agreement includes, among others, the following clauses:
 - a. That the '*Purchaser*' shall not deal with goods, products, articles, by whatever name called, manufactured by any person other than that of the '*Seller*'.

- b. That the 'Purchaser' may sell the goods manufactured by the 'Seller' at the price as embossed on the price label of the sunglasses. The 'Purchaser' is also allowed to sell the footwear at prices lower than those embossed on the price label.

Are the above conditions anti-competitive? Examine the validity of the clauses in the Agreement by quoting relevant provisions from the *Competition Act, 2002*.

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

'Drinialayaa' challenged this order in the *State Consumer Disputes Redressal Commission*, which overruled the District Forum's order on the ground that 'Beepa' is not a consumer and a complaint against a practising advocate is not maintainable before the Consumer Forum, in view of the provisions of the *Consumer Protection Act, 2019*.

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

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

4. CCI received complaints from two passengers that the *Indian Railway Catering and Tourism Corporation (IRCTC) Ltd.*, has been abusing its dominant position in the railway industry. The complaints *inter alia* allege the following unfair and restrictive practices followed by the *IRCTC*:
- unfair/discriminatory conditions in connection with the online passenger reservation system;*
 - the compulsory provision of food on special trains like Rajdhani and Shatabdi;*
 - monopoly on food courts at large railway stations; and*
 - restrictions against private players providing meals through e-catering in trains with no pantry facility.*

Explain in detail the procedure to be followed and the various factors that will be considered by the CCI to ascertain whether IRCTC enjoys a dominant position in the railway industry. What orders can the CCI pass on completion of the inquiry?

5. "A man is entitled to exercise any lawful trade or calling, as and where he wills. The law has always regarded jealously, any interference with trade, even at the risk of interference with freedom of contract, as it is public policy to oppose all restraints up on liberty of individual action which are injurious to the interests of the State. This is the reason why freedom of trade and commerce is considered as a fundamental right in India." Critically comment on this statement by elucidating the relevant provisions from the *Indian Contract Act, 1872*, the *Constitution of India, 1950* and the *Competition Act, 2002*.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Why do competitors tend to open their stores next to one another? Answer this question with the help of "Hotelling's Law" by quoting at least two relevant examples.
7. Whether statutory professional regulators like the *Bar Council of India (BCI)* and the *Institute of Company Secretaries of India (ICSI)* can be considered as an 'enterprise' and whether their actions can be investigated by the CCI? In addition to Indian case laws, substantiate your answer by explaining how the term 'undertaking' has been interpreted by any one foreign competition regulatory authority.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat Examinations (Odd–Semester), June 2021

CONSTITUTIONAL LAW -I

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. How is the State defined under Article 12 of the Constitution? With reference to relevant case law, examine whether the definition should be broad or narrow. And chronologically trace the evolution of the meaning of “other authorities” in Article 12 referring to relevant case law.
2. The Republic of Nadia is a Sovereign Socialist Secular Democratic Republic state. The State of Nadia has amended the Statute relating to citizenship in order to provide Indian citizenship for persecuted religious minorities from the neighbouring countries, Afghanistan, Bangladesh and Pakistan who are Hindus, Sikhs, Buddhists, Jains, Parsis or Christians, and arrived in India before the end of December 2014.

The validity of the amendment has been challenged in the Supreme Court of Nadia. It has been contended that the amendment is violative of the basic structure of the Constitution. Give your opinion over the validity of the Amendment. The laws of the State of Nadia are Pari-Materia with the Republic of India.
3. How does Part I of the Constitution illustrate India’s unique form of federalism? Drawing from the historical reasons for the choice of federalism, critically discuss with due reference to the following:
 - a. The use of the words “Union of States” in Article 1
 - b. The power of the Parliament under Article 3
4. The Constitution of India provides provisions of how the Republic of India can acquire the new territory but it does not contain any provision for ceding of any Indian territory. Whether India as a sovereign state has power to cede any territory. Give your answer in the light of case of Re: Berubari Union case.
5. Disharanya Prakash is a political activist who has been very critical of the government’s policies on Farm laws. At a public rally Disharanya stands in the middle of the ground and exclaims “Run this government out of power! Reject Government!” “Reject Government” then becomes a mainstream rally cry – with the

youth of the country assembling before police stations and public corporations and offices chanting the slogan.

At the time, Disharanya is scheduled to give a lecture at Oxford University, and has booked her tickets to fly there. On the eve of her flight, the Passport Authority impounds her passport under Section 10(3) of the Passports Act 1967. The section reads as follows:

10(3) A passport may be impounded if the passport authority deems it necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public;

(4) There is no requirement of a hearing prior to the impounding of the passport.

Disharanya challenged Section 10(3) as unconstitutional and violative of Article 21 and argued that the section deprived her of her personal liberty without procedure that was just fair and reasonable as she was given no hearing. The State, who had also pressed sedition charges against Disharanya stated that the exercise of the power was in public interest and that it was not violative of 21 because the Passport's Authority had followed the procedure given in the Act.

The Court has been called upon to decide

- a. Whether this is a fit case for a charge of sedition to be brought?
- b. What is the interpretation of the phrase 'procedure established by law' in Article 21? and
- c. Is Section 10(3) of the Act constitutional or not?

PART – B (2 x 5 = 10 marks)

Answer the following questions:

1. A State may have a Constitution and yet not embrace Constitutionalism. What do you understand by this statement? Is Separation of Powers essential to ensuring Constitutionalism? Illustrate your answer with suitable examples.
 2. India is believed to have certain federal characteristics. How does Part I of the Constitution reflect India's federal nature? Evaluate
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat Examinations (Odd–Semester), June 2021

CORPORATE LAWS -I

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Mr. Murdock and Mr. Nelson entered into a business partnership and have been involved in Surgical Mask manufacturing and sales in Chennai for the past 18 months. They purchased machinery and carried out most of the work themselves and occasionally employed external labour. Ms. Karen, a friend of theirs, advises them to convert their partnership into a private registered company limited by shares. They run a preliminary Google search but were baffled by the huge list of procedures involved for incorporation of a company. Hence they approach you for advice with the following questions:
 - a) What are the advantages and disadvantages of trading as a private registered company limited by shares in comparison to a Partnership?
 - b) Whether they can register their company in the name of “Murdock and Nelson Ltd” and if so, what are the Procedures involved in it.
 - c) Procedures involved and expenses incurred in incorporating the company.

Kindly advise them with the help of provisions and case laws under the Indian Companies Act, 2013.

2. Mr Suruli is an owner of a Restaurant in Madurai. He came up with a new recipe and idea for a packaged snack and he named it “Sukkotta”. He then decided to start a company to facilitate his new business idea and he approached Mr. Pauline, an Advocate to draft Memorandum of Association (MOA) and Articles of Association (AOA).Mr. Pauline was thrilled in the idea of the snack and he personally developed an interest in the Company. Hence, after drafting the MOA and AOA he further helped in the incorporation of the company and in the process, he even incurred some personal expenses. The company gets incorporated successfully. Mr Pauline now approaches Mr. Suruli seeking his fees and reimbursement of expenses he incurred. Mr. Suruli claims neither himself nor the company owes anything to Mr. Pauline for the expenses

he incurred. Mr. Pauline now gets aggravated and he approaches the Tribunal seeking to declare him as the promoter of the company.

Based on the above paragraph, answer the following questions with reasons:

- a) Will Mr. Pauline be declared by the Tribunal as a Promoter of the company? Justify your answer.
 - b) What is the Legal Position of Promoters in India?
 - c) Whether Mr Pauline will get back the expenses he incurred? If so / If not, how?
3. Mr. Gopi and Mr. Azhagumani are majority shareholders and directors of a Private Limited Company that manufactures camera for Mobile Phones. They manufacture cameras and sell them to various popular mobile brands. Their product received both popular and critical accolades and thus the sales of mobile phones with their camera soared high. This made them dream of starting their own mobile phone manufacturing company.

They approach you for advice on the following matters.

- a) What are the different Clauses in the MOA and what are the procedures to alter them?
- b) Can they convert their current company into a Mobile Phone Manufacturing Company by altering their MOA?

Advise them with clear explanations.

4. In 2016, SarathyAirtold Ltd., entered into an agreement with SeeYou Sky Ltd., for purchasing servers worth INR 10 Crores. SeeYou Sky Ltd., had agreed to deliver the Servers by 2020, but in 2020 they failed to deliver. Hence, SarathyAirtold Ltd., initiated a suit against SeeYou Sky Ltd. After filing the suit, they realised that at the time of the agreement in 2016 SeeYou Sky Ltd., hadn't obtained their Certificate to Commence Business.

Answer the following legal questions based on the above facts.

- a) What is the legality of Pre-incorporation contracts in India? Explain.
 - b) Is the agreement mentioned in the above facts a Pre-incorporation contract? Justify your answer.
 - c) Will See You Sky Ltd., succeed in its legal pursuit? Explain with the help of Case Laws.
5. *"Doctrines of Ultra Vires, Constructive Notice and Indoor Management combined render the path for an effective Corporate Governance". Argue.*

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. Explain how members of a Company limited by shares and a Company limited by guarantee are differently liable for the liabilities of the company.
 7. Compare and Contrast Public Issue and Private Placement under Indian Corporate Law Regime.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat Examinations (Odd–Semester), June 2021

INTERNATIONAL REFUGEE LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Flowing from the principle of sovereignty, it is the Governments of the states who have the primary responsibility for the assistance and protection of internally displaced persons. Does this leave them without any real protection? How does this play out for vulnerable population of third world countries?
2. There are a number of universal, regional and domestic human rights instruments and mechanisms aimed towards protection of refugees and asylum seekers. How does human rights law tackles refugee protection issues?
3. Global Compact on Refugees (Refugee Compact) and Global Compact on Safe, Orderly and Regular Migration (Migration Compact) highlight the interconnected nature of refugee, statelessness, and other displacement concerns. Discuss.
4. How do conceptualizations such as ‘refugee’, ‘migrant’, ‘forced migrant’, ‘Internally Displaced Persons’ (‘IDPs’), ‘development-induced displacement’, and ‘climate-induced displacement’ impact the legal regulation of it?
5. Transformed geography of refugee flows has shifted focus on historical, political and cultural context in which post-world war international refugee regime has developed. In this context, critically analyse how the third world approach can be employed to the development of international refugee law regime.

PART – B (2 x 5 = 10 marks)

Answer the following questions.

6. Women and children constitute bulk of the refugee population. Does international refugee law address age and gender dimensions? If so, how? Discuss in context of age and gender-sensitive and inclusive asylum procedures.

7. Who are environmental migrants? What kinds of challenges are faced by them? If as a legislator, you have to advocate their rights, what would be the primary concerns you would want to address?
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FAMILY LAW - II

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

Answer the questions with relevant legal provisions and judicial pronouncements.

1. A Hindu Family consists of Father, Mr. Veeranath and his son, Mr. Suryavadhan. Mr. Varunidhi and Mr. Vikranthan are the sons of Mr. Suryavadhan. On the death of Mr. Veeranath, who will form the coparcenary? and comment on the inheritance of the property of Mr. Veeranath to his son and grandsons, under the given situation.
 - a. When the Family is governed by Dayabhaga Law. (6 marks)
 - b. When the Family is governed by Mitakshara Law. (6 marks)

2. X holds an immovable property along with a cash amount of Rs. 10,00,000/-. For the past three months, X was suffering from illness and doctors have informed him that death can be expected shortly. X has disposed his property through will for Mr. Y. Mr. X has bequeathed his immovable property and Rs. 5,00,000/- as cash. Mr. X has passed away after five days of writing the will. Critically examine the legality of the will when
 - a. X is a Shia Muslim (6 marks)
 - b. X is a Hindu following Mitakshara Law (6 marks)

3. A Sunni Muslim woman Q died leaving behind Husband, H, Father F, Mother M, Sons S1 and S2, Full Sister FS, Maternal Grandmother MM, Grandsons SS1 and SS2.
 - a. Calculate the shares of the heirs upon Q's death under this situation. (5 marks)
 - b. Calculate the shares of the heirs when there are two daughters D1 and D2 existing at Q's death and there is no son present in the given situation. (7 marks)

4. A Christian Man, Jonath dies intestate leaving behind Mother M, three brothers B1, B2 and B3 and a sister S who is daughter of his father and not his mother. Calculate the shares of the heirs in the following situation.
- a. When there is no father present in the given situation. (5 marks)
 - b. when the father F and Wife W present in the given situation. (7 marks)
5. Critically compare and analyze the legality of the right of inheritance of “Brothers and Sisters” in Hindu, Muslim and Christian Laws. State relevant provisions and judicial pronouncement whenever necessary.

PART – B (2 x 5 = 10 marks)

Answer the following questions:

1. Critically analyze the concept of Gender Equality in the light of Mitakshara and the Dayabhaga Hindu Law.
 2. Examine the grounds for exclusion from inheritance under the Mohammedan Law with special reference to the Illegitimate child. Justify your argument with your own opinion and judicial pronouncements.
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Repeat Examinations (Odd–Semester), June 2021

INTELLECTUAL PROPERTY LAW

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Wellness & Goodness' [W&G] is a pioneering company manufacturing Ayurveda and Siddha formulations in India. It has developed a new herbal powder for weight loss and to control obesity. The herbal powder is a new combination of known herbs found in the western ghats region of Tamil Nadu along with some secret ingredients. The company planned to market the herbal powder in the name of 'Slim N Trim' globally. The herbal powder is contained in a box with artwork, slogans, and instructions for use on the outside. A guide on various diet plans for 'weight loss' using 'Slim N Trim' is planned to be provided free of cost along with the purchase of the herbal powder. Advise them on the intellectual property rights which may subsist concurrently in a packet of the company's new powder which they plan to market along with the guide.
2. 'Raghav' worked in a research laboratory of AYUSH Pharma, a reputed private Indian pharmaceutical company, on a contractual basis. During his tenure of employment, he aware of other employees who know about various confidential information and client details of the company. After his contractual period got expired, he started his new pharma company named SOULTREE Pharma and took over 75 AYUSH Pharma employees. This mass defection of its employees shocked AYUSH Pharma as those employees handled various confidential matters and client details. Aggrieved by the act of 'Ranjan' and his company 'SOULTREE Pharma', AYUSH Pharma alleges unfair competition and breach of contract by its former employees. It fears that the former employees may misusethe confidential information of the company and want to prevent it from happening. Advice.
3. A foreign artist assigned the copyright in an artistic work created by him to an Indian sports shoes manufacturing company for a modest consideration through a contract. The company intend to use the artistic work as follows,
 - a. To register the copyright on artistic work created by the foreigner in the name of the company in India.

- b. To use part of the artistic work as a trademark for their new product.
- c. To apply the whole of artistic work as designs in their existing products.

In this context, the company seeks your legal opinion. Advice.

4. Aadhavan, the proprietor of Sri Hari Krishna Sweets, a famous Indian sweet shop having outlets in both India and abroad, successfully created 'low glycaemic sweets', especially for diabetic patients. The claimed 'low glycaemic sweet' is an Indian Sweet, which can be consumed by any person, especially by the diabetic patient or a person showing the symptoms of diabetics. The texture and visual properties are maintained equal to that of any conventional sweet. He particularly used Levulose, a Fruit Sugar with the appropriate ratio of carbohydrate and protein preferably under inert gas/es blanket or high-pressure steam replacing the conventional cane sugar. Aadhavan claims that his process is different from every other industrially known process of making such kinds of sweets. He also added that his claimed process is more economical and also retains conventional taste. Aadhavan filed a patent application on 'low glycaemic sweets' which include low glycaemic GulabJamoon, Mysore Pak, Rasagolla, etc. Decide the patentability of 'low glycaemic sweets'.
5. Kavignar Kannadasan popularly known as (KK) native of Thogaimalai near Trichy was a famous poet, lyricist, novelist, and play writer. Thogaimalai was part of the Chola Empire and was once ruled by a female Princess Madhivadhani who belonged to the 'Porkalai Vamsam' (Martial art clan). She was a legend who was believed to have been gifted with the knowledge of war. She was well versed in all 64 forms of art and was very famous for plotting war strategies. It was believed that the legendary military manual written during the Sangam age was passed on to her by her ancestors and she was the last surviving heir of the 'Porkalai Vamsam'. KK from childhood had heard about Princess Madhivadhini and he was impressed by the heroic deeds of the Princess. KK wrote a play titled "Ilavarasi Madhivadhani" in the Tamil Language in 1948. The whole play was about how Ilavarasi Madhivadhani assisted King Jiva Cholan in the Battle of Ganam. The whole play consisted of 3 Acts.

Act.1 [The play] starts with the war scene which showed King JivaCholan in great distress. He knows that he will be defeated in the war by the Pandya king Seril Pandiayan. Pandya king Seril and his 3 lakh soldiers lead by his famous war general, Vikramadityan were stationed at Srirangam on the banks of river Cauvery. The Chola king and his army of 25,000 soldiers were stationed on the other side of the bank to defend their capital city Pazhavur. The Chola king was fighting another battle simultaneously at Rameshwaram. Hence the prince and princesses of the Chola Empire with their battalions were stationed at seaports as reinforcement forces in case of emergency to be sent to Srilanka. So, the king needed time to call his reinforcements stationed at the 4 port cities Nagapattinam,

Rameshwaram, Kaveri Poompattinam, and Vazhavur. The king falls sick and the army is left without a leader and then the king's advisers suggest the king to call for Princess Madhivadhani to assist them in the war.

Act.2 starts with the king sending word for Princess Madhivadhini who ruled a small area called Thogaimalai. She advises the king to create a non-deadly poison that will make the soldiers fall asleep for 2 days. As it was summer and the heat of the sun was unbearable, the warriors will feel thirsty and if they drink the water, they will fall asleep. If the army proceeds after this attack, she advised the king to break two shutters of Kallanai dam, so the army might be washed away by the flooding of river Cauvery. Both these strategies were wielded to reduce the strength and count of the Pandya soldiers. She also formed the famous eagle war strategy which was mentioned in the Sangam age military manual to tackle the Pandya army which was 12 times more than the Chola army.

Act.3 shows how the plan was executed and how she stalls time and fights bravely for her kingdom. The next day the reinforcements arrive and the king also feels better and the war continues for 10 days. The play shows only one part of the entire war. The Chola stone inscriptions at Brahadeeshwara temple in Tanjore mentioned that Princess Madhivadhani of Thogaimalai had assisted the Chola king in the battle of Ganam. Based on historical facts KK wrote a play and designed the story. The plot of the king falls ill and the inability of the army to reach the capital within a short span, war strategies of poison, breaking of shutters of Kallanai, and the eagle strategy was the result of KK's unique creative and original creation which did not have reference to any other work. The play became a huge hit and he had enacted the play all over south India.

In 1959, Shyam Jayadatt (SJ) a famous director came to Trichy to visit Sri Ranganathan Temple at Sri Rangan and his friends took him to watch the play "ILAVARASI MADHIVADHANI". He met KK and expressed his interest to make a movie on the play as it was interesting and he was impressed by the female character 'Princess Madhivadhani'. There was no further discussion between KK and SJ after SJ left Trichy. In 1962, SJ released a movie titled "Chaalak Ilavarasi Chandhini" (Brave Princess Chandhini) in Hindi. The plots, themes, characters' names, and location were similar to that of the play written by KK, except for the name of the Princess. SJ's female character Princess was named 'Chandhini'. SJ in his movie describes the complete war of Ganam and shows how Vikramadityan creates counter-strategies to tackle Princess Chandhini. The main plot was how enemies from two kingdoms who have never met, appreciate the bravery of each other and slowly fall in love at the time of the Ganam war. After the movie was released in 1962, Raju Chauhan, a friend of KK informs him about the movie. KK after watching the movie feels that the movie is based on his play but unfortunately, he died before filing a suit for violation of his copyrights in the play. The film directed by SJ became a successful venture and the sequels were released in the years 1982 and 1999 respectively.

Following the commercial success of the films directed by SJ based on KK's play, in the year 2000, the legal heirs of KK filed a suit in the Madras High Court against SJ for violation of their father's (KK) copyrights in the play. They claimed that Director SJ had copied all the plots mentioned in their father's (KK) play. They also claimed that the director has made ornamental improvisations to the original play and the whole movie was based on KK's plot and his story and there is no difference between the movie, its sequels, and the play. Hence, they claimed that there is no novel feature in the above-said movie and its sequels directed by SJ and thus he has infringed the copyrights of KK.

- a. In the light of the above facts, mention the contents that are eligible for copyright protection in the 'Play' and the 'Movie' and differentiate between idea, expression, historical narrative, and historical facts.
(4 marks)
- b. Analyse whether the director, SJ has infringed the copyrights of KK by creating a cinematographic film "CHAALAK ILAVARASI CHANDHNI" in Hindi based on the Tamil Play "ILAVARASI MADHIVADHANI".
(4 marks)
- c. Analyse whether the infringement suit filed by the legal heirs of KK is maintainable?
(4 marks)

PART – B (2 x 5 = 10 marks)

Answer the following questions:

6. 'Rajyam' registered 'Manapparai Murruku' as his trademark which denotes the geographical name associated with a food product popular in the given locality and has been used in trade since then. Nearly after 5 years from the date of registration of the trademark, a collective society representing the given locality successfully registered the geographical indication 'Manapparai Murruku' and applied for cancellation of the trademark registered by Rajyam. Decide
 7. Critically analyse the possible standards for treating traditional knowledge as part of intellectual property. Do you agree with the statement that traditional knowledge, however, defined resides firmly in the public domain? Why?
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Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programme
Repeat Examinations (Odd–Semester), June 2021

LABOUR LAW - I

Time: 3Hours 45 Minutes

Maximum Marks: 70

PART – A (5 x 12 = 60 marks)

Answer the following questions:

1. Read the case below and answer the questions at the end:

There arose a dispute between the management and two rival trade unions over the dismissal of some employees. Both the trade unions served notices for strike on the management on 21st July 2020, specifying their demands and their intention to go on strike from 10th August 2020. An attempt was made to conciliate parties involved and conciliation proceedings lasted between 26th July 2020 to 8th August 2020. A failure report was sent to the Government by the Conciliation officer. A large number of workmen went on strike on 10th August, 2020. The management alleged that they forcibly entered the company premises and other places and obstructed the work of the loyal workers. The workmen turned violent and therefore the District Magistrate issued prohibitory orders on 10th August 2020. On the same day, the company declared a lock out. Around a week later on 19th August 2020, the trade unions called off the strike, whereas company lifted the lock out on 27th August 2020. The company suspended those workmen whom it claimed to have obstructed the loyal ones and dismissed those who were convicted for violation of prohibitory orders. The Industrial Tribunal held that the strike although illegal, was justified, and the company was not entitled to dismiss the workmen. The company was directed to reinstate the workers except those who have been convicted under Indian Penal Code. It was also directed to reinstate the workers dismissed originally due to which the dispute arose. The company wants to appeal against this order by special leave to the Supreme Court.

- a) State the chances of the management in getting relief from Supreme Court, assuming that it is a case of a public utility service. Was the strike of the workers on 10th August 2020 consistent with the provisions? (3 Marks)
- b) Explain the meaning of 'justified' and 'unjustified' strikes. Are wages payable to the workers for the strike period? (3 Marks)
- c) Are there general rules prescribed for the prohibition of strikes and lockouts in public utility and non-utility service? (3 Marks)

- d) Explain the meaning of public utility services, also state that is it true that these services can be carried out only by government and public Companies? (3 Marks)
2. On every working day, when the workers canteen of the company is opened, there would be a big rush of employees for purchase of snacks and tea. Normally employees stand in queue for the purchase of various items from two different counters. The canteen remains open for half-an-hour and all employees who come there can conveniently purchase eatables, if they stand in queue. One day, Swami came to canteen when in both counters people were standing in queue, and he tried to purchase the snacks through Sarvesh, a co-worker who was in queue. This was objected by Prashanthanan who was standing just behind Servesh. Arguments started between Swami and Prashanthanan. They were both angry and in the process, Swami slapped Prashanthanan. The canteen supervisor intervened and separated them. Both of them were active members of two different rival unions. Analyze the point of issue in the case and state the main points of charge sheet to be issued to the employees concerned for this misconduct. Also state any six matters to be provided in the standing orders under the Industrial Employment (Standing Orders) Act 1946.
 3. "Harmonious relations in every sphere of human activity are essential for the socio-economic and political progress. But increasing complexity of the modern industrial system had tended constantly to widen the gap between those who own and manage the industry and those who work for it. This gap gives rise to conflict in labour-management relations, resulting in the fall in production and hardship to the community". With reference to the above statement, examine the scope and significance of workers organization in the context of Modern Industrialization. Also cite the relevant case laws on the constitutional validity of such organization under Article 19 (1) (c) of the constitution of India.
 4. Explain the concept of 'Industrial Relations and examine the nature and scope of Industrial Relations in India in the light of Liberalization and Globalization of the economy.
 5. The certified standing orders of a company provided that the retirement age of the workman would be 58 years of age. The company enhanced the age to 60 years, as a temporary measure to retain the employees and to cut costs. However, the financial performance of the company still did not improve and few years later, the company withdrew the enhancement and restored the retirement age back to 58 years. The company contended that it was just a temporary measure and even if the benefit of enhancement of age of superannuation from 58 to 60 years has been extended in favour of the workmen, they have got no right to retain the same for the reason that Service Rules and Certified Standing Orders applicable to the workmen stipulates the age of 58 years and since the same has not been amended in accordance with law, hence the provisions of Service Rules and Certified Standing Orders are binding upon the workmen. The trade union wants to challenge this action of the company as bad in the eyes of law, as the employer was bound to give prior notice. Will the trade union succeed?

PART – B (2 x 5 = 10 marks)

Write Notes on the following:

6. New Technology Trade Unionism and Social Justice.
 7. Evolution of Labour Jurisprudence with specific reference to *Laissez faire* State and freedom of contract-Welfare State.
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