



**TAMIL NADU NATIONAL LAW UNIVERSITY
TIRUCHIRAPPALLI**



QUESTION PAPERS

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

**END-SEMESTER (EVEN-SEMESTER)
EXAMINATIONS, MAY - 2019**

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

First Year - Second Semester, End-Semester Examinations (Even-Semester), May 2019

ENGLISH-II / BUSINESS ENGLISH-II

Time: 2½ Hours

Maximum Marks: 50

**I. Read the passage given below and then answer the questions that follow
(5 X 2 = 10 Marks)**

Equity is known as a maxim applied and instituted in the majority of Western legal systems. Aristotle first formulated it as a correlative, in the context of Greek tragedy, to the consideration of mitigating (or sometimes exacerbating) circumstances that connect criminal action with tragic error. As a mode of justice, Aristotle's notion of equity sometimes disregards the letter of the law, or its rhetoric, especially where the law does not honor consideration of character, as in the case of Antigone (Antigone in the play *Antigone*), or special circumstances, as in the case of Oedipus (Oedipus in the play *Oedipus Rex*). Both the letter of the law and equity supplement the law's "spirit" or the legislator's general intentions in creating a specific law. The sense of equity as a corrective can thus potentially blur clear-cut distinctions between "intension" and "letter". Equity may supplement the letter of the law in order to ensure that a given interpretation of the "letter" will express the "spirit" of the law. But equity may also supplement the spirit of the law, or even the very supplementary relation between "letter" and "spirit" in order to underscore a more fundamental mismatch between "letter" and "spirit".

It seems not entirely wrong, while certainly a gross oversimplification, to say that lawyers and legal theorists tend to deal with the first option—a rule bound jurisprudence of equity—and literary practitioners with the second — a less formal, more allusive supplementary notion of equity. But the question as to whether equity does or does not "belong" to the law is not just an institutional one. The answer also depends on whether equity is associated with something general, such as a universal rational order of justice, or something particular, such as the judicial discretion to interpret the law according to rules and precedents that can change over time. Similarly, it depends on whether the law is associated with something general, such as the predictability and security of rules, or something particular, such as the alterability and flexibility of rules and precedents over time. Thus, what is general about equity is its concern with what is universal; what is particular, its concern with what is flexible.

For Aristotle, equity was a means of adjusting Universalist human assumptions in legislation and legal practice to a cosmic order of justice. He considered the “poetic fictions” of Athenian tragedy an appropriate means (“mimesis”) toward that end. For him, the “particular”, incomplete, and non-absolute quality of justice and injustice that tragedy helped to express also shaped the function of narrative in the Athenian courts. To enhance public debate in the community, it was not enough to use such narratives simply to appeal, by means of persuasion, to the moral quality of certain rules or opinions. For rules and opinions were human-made, and as such fallible. Sometimes, the appeal to a universal, rational order of justice was needed. To the extent that “poetic” fiction (tragedies) performed such an appeal, they could then be considered an “equitable” form of legal fiction: they would be used to create a plot whose truth about human action is self-evident. When such an act of *mimesis* was successful, however, those fictions would also indicate the very limitations of public rhetoric, or persuasion, in creating justice. But in the early modern period, that sense of a universal order of justice suffered a gradual demise. Eventually, the “equitable “Aristotelian unity of “poetics” and the legal fictions fell apart as well. The traditional function of Aristotelian *mimesis* shifted towards that of representing, enacting, and supplementing the complex networks of institutions, practices, and belief that constituted Renaissance culture as a whole.

- 1) How do you understand equity in the context of this passage?
- 2) How does Aristotle conceive the idea of justice?
- 3) What is “*mimesis*”?
- 4) Comment on the representation of “equity” in the legal fictions.
- 5) What is “tragic error”, according to Aristotle? How it is connected to “criminal action”?

II. Do as directed: (5 X 1 = 5 Marks)

- 1) We all hope..... (Supply a noun Phrase)
- 2) He advanced as far as he (To dare). (Insert the correct tense of verb in the blank)
- 3) The laws of most countries today are split into two kinds criminal law and civil law (Punctuate the given sentence)
- 4) I had spoken. (Change this statement into future perfect continuous Tense)
- 5) He kept the *fast* for a month. (Name the part of speech of the italicized word)

III. Write a short critical note in 200-250 words on any ONE of the following: (1 X 5 = 5 Marks)

- 1) Mercy
- 2) Truth
- 3) Justice
- 4) Ethics
- 5) Idea

IV. Imagine that you are an editor-in-chief, of a leading national daily, hoisting an interview with the newly elected Prime minister of India. Write down the interview script in conversational mode. (200-250 words) (1 X 5 = 5 Marks)

(OR)

Write a paragraph in about 200-250 words on the topic given below using the hints:

The benefits of reading fiction. (Source of pleasure/ instruction/dialectical conflicts/ inspiration/ social-realism/ life's philosophy/noble thoughts/ ideas/ creativity).

V. Give the importance of body language in the process of communication. (200-250 words) (1 X 5 = 5 Marks)

(OR)

Explain the types of communication with examples.

VI. Is translation an act of creativity or imitation? Distinguish between the "Intra-linguistic translation" and the "Inter-semiotic translation". (200-250 words) (1 X 5 = 5 Marks)

(OR)

Summarize Francis Bacon's essay "Of Judicature".

VII. Compare and contrast the character of Antigone in the play *Antigone* and Nora in the play *A Doll's House* with the general principles of feminism. (1 X 5 = 5 Marks)

VIII. Annotate the following dialogues with special to Antigone's sense of justice and law in the play *Antigone*. (1000 words) (1 X 10 = 10 Marks)

ANTIGONE: I heard your words, your edict, and your proclamation.

CREON : And then you choose to violate the law.

ANTIGONE: Your law. Not the sacred law. The gods that rule among the dead have issued no such proclamation. A man cannot erase the laws unwritten. Cannot change the unchanging Laws of heaven. Eternity is beyond the bounds of time, beyond today or yesterday, beyond forever. God's laws were there before the birth of man. Should I fear you more than I should fear the Gods? I know that I shall die. I was destined to that end before your proclamation to leave a world so filled with evil, the sooner death embraces me the more I have to gain. I welcome death. Without a tear or sorrow. But to leave the body of my mother's son unburied, torn and rotting in the sun, that would cause True Pain. You call me fool. You fool. Fool to call me fool.

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

First Year - Second Semester, End-Semester Examinations (Even-Semester), May 2019

SOCIOLOGY-II (RESEARCH METHODS IN SOCIAL SCIENCES)

Time: 2½ Hours

Maximum Marks: 50

Part-A (10 X 3 = 30 Marks)

Answer any TEN of the following questions with suitable examples. Explain with formulas / diagrams wherever applicable. Each question carries three marks:

1. Explain the three steps of exploratory research method?
2. Discuss Non-Probability Sampling techniques
3. What systematic exploration and reliability in research?
4. Explain Measures of Central Tendency?
5. What are the types of observations?
6. Discuss documentary sources of data
7. Explain Projective technique
8. Discuss Content Analysis
9. Explain sample and census survey
10. What are the types of Interviews schedule and how is it different from questionnaire?
11. Define Sociometry?
12. What is Syllogism? Explain its three propositions.

Part-B (2 X 10 = 20 Marks)

Answer any TWO of the following questions:

13. Explain the methods of Understanding social relationships according to Cooley, Weber and Mills with suitable examples.
14. Explain the steps involved in preparing research plan/proposal.

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BUSINESS ECONOMICS

Time: 2½ Hours

Maximum Marks: 50

Answer any FIVE of the following questions with not more than 300 words each (5 X 10 = 50 Marks):

1. Explain how market failure could be diminished by achieving social optimal point?
2. Explain the variety of elasticity of demand curves and supply curves diagrammatically with appropriate explanation and write about the application of elasticity in public policy making.
3. What are the characteristic features of a perfectly competitive market? What is the slope of its supply curve and the market demand curve?
4. An apple and an orange is not the same in terms of their nutrients. But in the measurement of GDP, rather than the nutrients the market value of apples and oranges are taken into consideration to quantify the growth of any economy. While elucidating about what is GDP elaborate on the components of GDP in an open economy.
5. In the light of “Don’t Panic - How to End Poverty in 15 Years” a documentary hosted by Prof.Hans Rosling and published by BBC broadcasted as part of BBC This World Series in 2015,explain productivity, its role in the development of any economy and the determinants of productivity.
6. Stable prices and Stable growth always at Full employment is a macroeconomic challenge. While explaining the need for stable prices and stable growth at full employment in any economy, write about what is unemployment and different types of unemployment which are unavoidable in achieving full employment.

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POLITICAL SCIENCE – II (POLITICAL OBLIGATIONS)

Time: 2½ Hours

Maximum Marks: 50

All the questions are COMPULSARY (5 X 10 = 50 Marks):

1. Captain Morgan is the captain of the Black Pearl, a pirate ship which earns its keep through looting merchant ships. Once the black pearl attacks a ship, it usually plunders it, kills its crew and puts the ship in the bottom of the sea. In one such attack, Morgon has pity on a cabin boy of the merchant ship, Swamy, and takes him to be a part of his crew. Swamy grows to be an important part of the Black Pearl's crew, and soon becomes the second-in-command of the ship.

On one occasion, the Black Pearl finds itself in the middle of a storm. It becomes increasingly clear to the crew that the ship may not survive the storm. Swamy weighs the reasons to stay in the ship or leave it. On the one hand, if they stay in the ship, they might have more solidity through the storm and an increased chance of survival. On the other hand, if they leave the ship, they may have more navigability and an increased chance of moving out of the storm. As he considers these options, Captain Morgan shouts, "Anybody who jumps off this ship will be shot dead!".

What kind of *reasons* would you consider as valid were you in Swamy's position? Is Captain Morgan an *authority* on the ship? Does the claim that the captain is an authority have any effect on the *autonomy* of Swamy? Explain using Raz's model of Practical reasons and norms.

2. Solanum is an extremely rare (and fictional) virus that is described as follows:

"It begins to transform the host from human into a zombie once it is introduced into the body. Through means not yet fully understood, the virus uses the cells of the brains' frontal lobe for replication, destroying them in the process. Once the brain is infected, all bodily functions (including the function of the heart and lungs) cease, and all trace of personality, individuality, mercy and according to many, humanity, is irrevocably lost. The viral incubation

period is variable, with some turning rapidly (most common in bite victims) and others not showing symptoms for a significant period. Combined with the ability to spread via non-obvious means, such as open cuts and not just clearly visible bites, this necessitates the careful screening of individuals before allowing them into a safe area, sometimes necessitating the use of force if the individual will not comply.”

Solanum and its consequent Zombie apocalypse eventually lead to the death of most of the adult population of the world. A small group of survivors led by Rick Grimes are able to build a secure location called “New Haven” to protect themselves for the apocalypse.

Through experimentation and experience, it has been found that people who eat grass daily, have a 50% lower chance of contracting Solanum from all means. Consequently, a law is passed in New Haven that all persons must consume grass every day, even though this is an unpleasant experience.

As a resident of New Haven, apart from the obvious individual reasons to eat grass in order to protect yourself, what would Hare argue are the other reasons that you should obey the law? Do these reasons provide a good reason for a general political obligation? What do you think are the defects of this model in justifying political obligation?

3. Panem is a country ruled by an autocratic dictator called Soriolanus Cow. It is divided into 12 districts and one capital. The citizens of Panem are forced to mine resources and farm food for the benefits of the capital. As a result, the citizens in the districts are forced to live in poverty and destitution, while the citizens of the Capitol live a life of luxury and excess.

Bored by his opulent lifestyle, Cow decides to hold a competition amongst the districts. He passes a law in which each district has to send a teenager to the competition. The competition which he calls “Gunger” is essentially a forced fight to the death amongst the teenagers from each district. Anybody who does not participate is shot down, and only the last surviving teenager would be crowned the winner and allowed to leave alive.

Imagine you were a teenager chosen to represent your district. Do you think you have a *duty* to *disobey* the law? If yes, explain why you do not have an obligation towards the law and also describe the factors which are relevant to decide your mode of disobedience? If no, How do you justify obeying the law which is clearly unjust?

4. Bruce Wayne is travelling in Oceanic Airlines Flight 815 from Sydney to Los Angeles. Unfortunately, due to a bird strike the plane loses both its engines. The pilot, Sully, due to his incredible ability in flying aircraft is able to crash

land the plane on the Atlantic Ocean. Luckily, all 155 passengers of the flight survive the water-landing. Wayne notices an island nearby and leads the survivors to it. Thanking fate, the members of flight 815 find shelter in a cave on the island. As all communication with the external world fails, the survivors soon realise they have to make the island their home. They build a camp in the middle of the island and call it “Atlantis”.

As the survivors find their bearings on the island, they soon realise they are not alone. Every night they hear a shrill high-pitched noise emanating from the forest as if someone was screaming in pain. On one such night, five survivors who had gone into the forest to explore the island further, disappear. Sully, noting the dangers of the island, suggests that they elect a leader. This would help them distribute resources fairly as well as defend against external threats. Not all persons agree. A group led by Wayne, consisting of 30 people, protest against the elections since they think all decisions should be made by a direct vote. Nonetheless, they continue to stay protected in the camp.

The election was a close one. Sully gains 45% of the vote but the winner was one Jack Sparrow, a charismatic person -with 46% of the vote. As soon as Sparrow takes office, he began passing emergency laws- which he says are necessary for the defence of the association and uses those laws to arrest people who are against him, without any trial, because they are “Seditionists”. Wayne is the first person to be arrested since he did not vote for Sparrow in the election. Wayne contends that he is not bound by the law passed by Jack Sparrow since he did not vote in the elections. Jack Sparrow argues that Wayne is morally bound by the law since it was passed by a democratic system.

- a. Assume that you are the prosecutor in this case, how would you establish that Wayne has an obligation to obey the law?
- b. Assume that you are the defence in this case, how would you counter the argument made by the prosecution?
- c. Do you think democratic systems necessarily entail political obligation? Explain using Wolff’s position in his work *In Defence of Anarchy*.

5. Answer the following questions:

- a. Explain and contrast the social contract theories given by Hobbes, Locke and Rousseau. While answering the question, please describe the models of their respective states of nature, the differing reasons for entering into the social contract and the differences in the extent of political obligations.
- b. Briefly describe what do you think is the biggest lacunae in all social contract theories.

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RESEARCH TOOLS FOR BUSINESS DECISION MAKING

Time: 2½ Hours

Maximum Marks: 50

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

1. What is Skewness?
2. Write short notes on
 - i) Leptokurtic
 - ii) Index Numbers
3. What is Time Series? Write any two importances of Time Series in business forecasting.
4. Distinguish between Correlation and Regression.
5. Draw a Trend line by the method of Semi-averages.

Year	1977	1978	1979	1980	1981	1982	1983
Production	90	110	130	150	100	150	200

6. A distribution had $Q_1 = 31.3$, Median = 35 and $Q_3 = 36.4$. Calculate the Co-efficient of Skewness.
7. A sample of 100 students is taken from a college. The mean height is 64 inches and the standard deviation 6 inches. Can it be reasonably regarded that the students mean height is 66 inches? Use Z-test (Table value of 1% level of significance is 2.58)

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

8. Explain the components of a Research Design.
9. Calculate Karl Pearsons Coefficient of correlation between advertisement cost and sales by using direct method from the following data and interpret the value:

Adv.cost (Rs.000)	5	7	3	1	9	12	8	3
Sales (Rs.in Lakhs)	8	9	5	4	9	13	7	9

10. Calculate Quantity index numbers from the following data under Laspeyres Method, Paasches Method and Bowleys Method:

Year	Commodity A		Commodity B		Commodity C	
	Price	Qty	Price	Qty	Price	Qty
2002	10	20	16	12	12	6
2004	8	24	14	14	10	8

11. The following data present the production of cardamom in tonnes in five subdivisions of equal area of two estates:

Estate 1	90	70	60	50	80
Estate 2	70	40	50	40	50

Test whether there is any significant variance in the production of cardamom from the two estates. Use F-test (Given that the significant value at 5 % level of significance for degree of freedom $v_1=4$, $v_2=4$ is 6.39)

Part – C (3 X 10 = 30 Marks)

Answer any THREE of the following questions:

12. 1000 students at college level are graded according to their I.Q and their economic conditions. Use Chi square to find out whether there is any association between economic conditions and the level of I.Q (Given that the significant value at 5 % level of significance for 2 degree of freedom is 5.99)

Economic Condition	I.Q			Total
	High	Medium	Low	
Rich	160	300	140	600
Poor	140	100	160	400
Total	300	400	300	1000

13. A tea company appoints four salesmen A, B, C and D and observes their sales in three seasons - summer, winter and monsoon. The figures (in lakhs) are given in the following table:

Seasons	Salesmen				Season's Total
	A	B	C	D	
Summer	36	36	21	35	128
Winter	28	29	31	32	120
Monsoon	26	28	29	29	112
Salesmen's Total	90	93	81	96	360

Use ANOVA in Two-way classification model and answer the following

(i) Do the salesmen significantly differ in performance?

(ii) Is there significant difference between the seasons?

(Given that the significant value at 5 % level of significance for degree of freedom $v_1=3$ and $v_2=6$ is 4.76 ,the significant value at 5 % level of significance for degree of freedom $v_1=2$ and $v_2=6$ is 5.14)

14.The following table gives the daily income and expenditure on food of 9 families:

Income (Rs.)	1	5	3	2	1	1	7	3
Expenditure (Rs.)	6	1	0	0	1	2	1	5

Obtain regression equations of Y on X and X on Y for these data by method of least squares.

15.11 salesmen were given special training to improve sales performance. The sales particulars are given below. Analyse whether the special training has improved sales performance of the salesmen by applying Paired t test. [Given that the significant value of t at 5 % level of significance for 10 degree of freedom is 2.28 (Table value)]

S. No. of salesmen	1	2	3	4	5	6	7	8	9	10	11
Sales before Training	40	60	50	30	42	38	52	54	45	55	62
Sales after Training	46	54	54	40	40	42	50	60	50	55	64

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HISTORY – I (INDIAN HISTORY)

Time: 2½ Hours

Maximum Marks: 50

Part – A (10 X 1 = 10 Marks)

Answer ALL the questions:

1. The main job of History is
 - a. to narrate what happened
 - b. to discuss how it happened and
 - c. to analyze why it happened
 - d. All the above
2. Which among the following was the highest court in Sangam Age?
 - a. Avai
 - b. Nallavai
 - c. Aram
 - d. Manaram
3. Puranas were compiled and reached its final shape in
 - a. Vedic Age
 - b. Mauryan period
 - c. Guptas' reign
 - d. Sangam Age
4. Laws and legal procedures in the topic of Dharmashastra is
 - a. *Aachara*
 - b. *Viyavahara*
 - c. *Prayayachitha*
 - d. *Asteya*
5. During which reign Al Beruni came to India?
 - a. Mahmud of Ghazni
 - b. Balban
 - c. Iltutmish
 - d. Firoz Sha Tughlaq

6. Who among the following proclaimed that “*Kingship knows no Kinship*”?
- Iltutmish
 - Balbun
 - Alla-ud-din Khalji
 - Mohammed Bin Tughlaq
7. The king who broke the power of *Chehalgani* was
- Iltutmish
 - Alauddin
 - Balban
 - Feroz
8. Sadharan Brahmo Samaj was led by
- Raja Rammohan Roy
 - Swami DhayanandhaSaraswathi
 - Keshab Chandra Sen
 - Devendranath
9. The Universities of Calcutta, Madras and Bombay were set up in
- 1857
 - 1859
 - 1860
 - 1861
10. Who authored “Poverty and Un-British Rule in India”?
- R.C. Dutta
 - Jawaharlal Nehru
 - DdabhaiNaoroji
 - V.A. Smith

PART – B (5 X 4 = 20 Marks)

Answer any FIVE of the following questions in not more than 150 words each:

- Bring out the contributions of Herodotus’ on History.
- Write a short note on the contribution of Elphinstone and Macaulay to the Modern Indian Historiography.
- Bring out the functions of *Sreni* (Guilds) in Ancient India.
- State the kingship theory and market control systems of Alla-ud-din Khalji.
- Give an account on the court system during the Mughals’ reign.
- Examine the effects of *Bhakthi* and *Sufi* Movement in India.
- Trace out the Social and Religious ideas of Swami Vivekanandha.
- State the features of Wood’s Despatch of 1854 and the Hunter Education Commission of 1882-83.

PART – C (2 X 10 = 20 Marks)

Answer the following question in not more than three pages:

19. Describe the contributions of Ancient and Medieval Indian Historiographers.

(OR)

Sketch the legal institutions of Delhi Sultanate and Mughals in India. A special reference to punishments in Medieval India.

20. Throw light on the contributions of Socio-Religious reformers of 19th century in transforming Indian social ideas.

(OR)

Discuss the economic policies of the British Empire in India between 1757 and 1857.

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MARKETING MANAGEMENT

Time: 2½ Hours

Maximum Marks: 50

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

1. What is meant by product life cycle? Explain its concepts with examples
2. Bring out the bases of Segmenting Consumer Markets? Explain them
3. What are the alternative pricing strategies available to the marketer who wants to introduce a new product in a highly competitive market?
4. Which channel of distribution would you consider most appropriate for a low priced mass consumer product such as soap to be sold all over India. Give reasons for your selection and also describe the important integrated channels in modern marketing.
5. Define the concept of promotion-mix. What are its elements? What are the determinants of promotion mix?
6. Explain the general nature of marketing research procedures.
7. Analyse the marketing strategy of any one of the following :

(a) Maruti Suzuki	(b) Kwality Walls	(c) Aavin	(d) Manna Health Mix
(e) Samsung Galaxy S10	(f) Amul	(g) Nestle	(h) Tata
(i) ICICI Insurance	(j) TVS	(k) McDonald's	

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LAW OF CONTRACTS-I (GENERAL PRINCIPLES OF CONTRACT)

Time: 2½ Hours

Maximum Marks: 50

PART-A (3 X 7 = 21 Marks)

Answer in all THREE of the following problems. Question No.1 is compulsory. Problems in this part are to be answered by applying the relevant legal principles and precedents.

1. (a) Krishna is the agent for Kannan in his business. Krishna comes into possession of some goods in the course of performing his duties as an Agent. Kannan requests Krishna to deliver the goods to him and Krishna refuses to do so. Kannan files a suit against Krishna for the recovery of the goods. Is Kannan entitled to claim specific performance?

(OR)

- (b) Manoj, a singer, has agreed with Suraj, Secretary, Gayathri Fine Arts Club at Chennai, to give a music performance for a week commencing from 1st December 2018. He has also stated in the agreement that he will not agree to give any performance during that period elsewhere. But Manoj agreed to give performance in Ram Fine Arts Club during the same period. Suraj, therefore, approaches you to file a suit against Manoj and prevent him from giving performance in Ram Fine Arts Club. If a suit is filed will Suraj succeed?
2. Kala, a spinster, was looked after by her sister Mala. Mala had a daughter by name Meera and she was demanding to give her property by way of gift. Mala agreed provided that she would take care of her aunt Kala after the life time of Mala to which also Meera agreed. On the strength of this promise made by Meera, Mala gifted her property to her daughter. But after the death of Mala, Meera refused to take care of her aunt. Hence, Kala files a suit against Meera who raises the defence of stranger to contract. Is the defence raised by Meera tenable in law?
3. Raja applies to a banker for a loan at a time when there is stringency in the money market. The Banker declines to grant the loan except at an unusually high rate of interest. Raja accepts the loan on these terms. Is this a valid contract? If not what is the basis for making it a valid one.

4. Geetha, a danseuse, contract with Michael, the Manager of a theatre, to give dance performance at his theatre for two nights in every week during the next two months and Michael agrees to pay her Rs 30,000/- for every night's performance. On the Seventh night, Geetha wilfully absents herself from the theatre and Michael rescinds the contract. Is it in order for Michael to file a suit against Geetha and claim damages for the non-fulfilment of the contract by her?

PART-B (3 X 7 = 21 Marks)

Answer in all THREE questions from this Part. Question No.5 is COMPULSORY:

5. Possession is said to be nine points of law signifying that a person in possession of the property can recover the property if he is dispossessed of the same by another. Elucidate this statement in the light of the provisions of Sections 5 & 6 of the Specific Relief Act, 1963.
6. 'Scriptum predictum non est factum'. Explain this maxim and state to what extent this Common Law defence has been made applicable to all persons who are literate and have vision.
7. 'Public policy is a treacherous horse and once you get astride in it you will not know where you will be led to'. Bring out the importance of this statement in the light of the settled 'Heads of Public Policy'
8. Discharge of a contract refers to severance of relationship between the parties. Against the backdrop of this statement state and explain the mode of Discharge by Impossibility of Performance.

PART-C (4 X 2 = 8 Marks)

Answer in all FOUR questions from this Part. Answers to questions in this Part must be in about 50 words:

9. (a) Revocation of Acceptance
(b) Adequacy of Consideration
(c) Means of discovery of truth
(d) Limits of rescission
(e) Contingent Contracts
(f) Delay defeats equities
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FAMILY LAW - I

Time: 2½ Hours

Maximum Marks: 50

Part – A (3 X 6 = 18 Marks)

Answer any THREE of the following questions:

1. Manasi is a Sunni Mohammedan by birth. She was 22 years old when she falls in love with Siddarath, a Hindu by birth. After a huge protest from both their parents, they finally solemnized their marriage as per the Special Marriage Act, 1954. Post marriage, Manasi started visiting temples and celebrated all the festivals along with Siddarath and his family. They were blessed with 3 children who also followed both Hindu and Muslim religion and were given names as per both the religious communities. For instance, their only son was named as Sanjeev a.k.a. Shahid. In January, 2019 after 16 years of marriage, Manasi decided that she should start earning on her own and start supporting her family. Henceforth, she started making sweets and savories at home and selling them in the nearby bakeries. Within 3 months, she had earned a profit of Rs. 15,499/- per month. This business was keeping her quite busy and hence she was unable to spend time with Siddarath. This led to continuous fights between them and once in a fight she said “*Allah will definitely bring light into my life and make sure that you suffer for my mental agony*”. This statement infuriated him and he decided to file a petition for judicial separation to teach her a lesson in the nearby family court. While the proceedings were going on, Manasi who was heartbroken due to the legal proceedings and had subsequently lost the business decided to file a counter petition claiming maintenance for herself and her children. *Keeping the facts in the mind, answer the following-*

- 1.1. *Will Manasi’s petition for maintenance be entertained by the Family court? If so, under which statute? (3 Marks)*
- 1.2. *If the petition is maintainable, how much do you think will be the maintenance awarded keeping in mind the fact that Siddarath earns an income of Rs. 36000 after the taxes and such deductions per month? (3 Marks)*

2. Raveena and Soham are a Hindu couple who got married in 2014. In 2015, they legally adopted Soham's sister's girl child who was 1.5 years old at the time, after the tragic death of her father in a car accident, under the Hindu Adoption and Maintenance Act, 1956. In 2019, while working as volunteers in a home for orphaned children, they encounter Khadija, a 3 year old girl, and develop a bond with her.

2.1. If Raveena and Soham decide to adopt Khadija, will they be able to do so? Comment using provisions of law regarding adoption in India and decided cases. (3 Marks)

2.2. What would be the position of law if an unmarried Muslim woman wants to adopt Khadija? Comment using provisions of law regarding adoption in India and decided cases. (3 Marks)

3. Karthik met Prerna in 2004. They fell in love and their marriage was duly solemnized as per Hindu rites and customs in 2006 at Hyderabad. From the wedlock, they have two children currently aged six years and nine years. Karthik and Prerna are both employed as chartered accountants; they both have been loving parents and have provided for the children to the best of their abilities. In 2016, Prerna came to terms with the fact that she has never been comfortable with her gender identity. After deep internal turmoil she decided to embrace her transgender identity. She informed Karthik that she is travelling on work for six months and began the process of transitioning. She underwent mastectomy (removal of breasts) and now identifies as Prem and has returned to his family in the fond hope that they will understand him. He continues to be attracted to men and wants to make the marriage work. However, Karthik is shocked and has left the matrimonial home with the children. Karthik has filed for a petition for dissolution of marriage under grounds available under section 13 of the Hindu Marriage Act, 1955. Prem has filed for custody of the children. To ascertain the best interest of the children, they were interviewed in the chambers. They are accepting of their mother's transition and both of them want to live with both their parents.

If this case comes before you as a judge, decide the following questions:

3.1. Will Karthik be able to get a divorce from Prem under the Hindu Marriage Act, 1955? Why or why not? (3 Marks)

3.2. Who should be the person to get custody of the children? Give the relevant considerations in determining custody along with the reasons in your judgment. (3 Marks)

4. Piyali, Hindu by birth, aged 25 years, is currently pursuing Ph.D. in Psychology and lives in Bombay. Shibin Paul, Christian by birth, aged 28, is another Ph.D. student of Engineering from the same college as that of Piyali and also lives in Bombay. Both of them were really good friends for past 4 years. They decided to take their friendship into next level and decided to go for a live in arrangement. They actually got a registered agreement which essentially discussed the following terms and conditions:

“...It is hereby agreed that both the parties are willingly agreeing to enter into a live in relationship for 5 years commencing from 22nd August 2017. In pursuance to the same, it is agreed that both the parties shall -

- *Buy and own a house and get it registered in both the parties names;*
- *Equally share each of the household expenses in 50-50 ratio;*
- *Spent time with each other in week ends with each other necessarily unless the work demands otherwise;*
- *If any child is born to concerned parties in the period of arrangement,*
 - (a) Shibin Paul’s name will be given as the Father’s Name and the child shall have the religion of Shibin Paul.*
 - (b) It also further decided by both the parties that in case they decide to break the relationship and move apart from each other, the child can retain the name of Shibin Paul as Father;*
 - (c) However, the custody and guardianship would remain with Piyali till child is of 18 years with visitation rights to Shibin Paul on weekends and holidays. Thereafter, the child is free to decide as to whom he/she wants to reside with.*
 - (d) In any case, it is decided that the child will be equally maintained by both the parents unless in cases of incapability in maintaining....”*

4.1. In the light of existing personal laws of both the parties, decide upon the validity of the agreement. (3 Marks)

4.2. What kind of relationship do Piyali and Shibin have in law? Also, opine whether the parties are enabled to legitimize a child through such an agreement. (3 Marks)

PART –B (4 X 8 = 32 Marks)

Answer any FOUR of the following questions:

5. Author & Lawyer Archana Parashar in her book ‘Redefining Family Law’ comments that in order to determine the guardianship of a minor child-

“...usually these factors include the comparative economic capacity of each partner, living arrangements available for the child, wishes of the child et al.,

in other words the concept of Best Interest of Child is determined independently of the traits and capacities of the primary care-giver, invariably the mother..."

How far do you think is this statement relevant in the current scenario in India with regard to the existing laws on guardianship?

6. Differentiate between altruistic surrogacy and commercial surrogacy. According to the The Surrogacy (Regulation) Bill, 2016, which of the two is allowed in India? If a female friend of the couple is willing to be a surrogate for a couple aged 26 and 25, will this be allowed under the legislation?
7. What are the major points of difference between the Special Marriage Act, 1954 and the Hindu Marriage Act, 1955? Mention the form of marriage, conditions for marriage and grounds for divorce in your answer.
8. What is the position of law regarding mental health and marriage in India? In other words, how does it affect the ability of a person to enter into a marriage and the ability of the other spouse to get a divorce/decree of nullity?
9. In *Revanasiddappa v. Mallikarjun*, 2011, Supreme Court says that –

'...With changing social norms of legitimacy in every society, including ours, what was illegitimate in the past may be legitimate today. The concept of legitimacy stems from social consensus, in the shaping of which various social groups play a vital role. Very often a dominant group loses its primacy over other groups in view of ever changing socio-economic scenario and the consequential vicissitudes in human relationship. Law takes its own time to articulate such social changes through a process of amendment. That is why in a changing society law cannot afford to remain static...'

In reference to this statement, explain the current laws on illegitimacy and legitimacy. Also, opine whether India needs this concept or not to give a legal recognition to child?

10. Explain the various grounds for divorce as per the Dissolution of Muslim Marriage Act, 1939 which can be availed by a Muslim Wife. Do you think a Uniform Civil Code is a good solution to change the disparity in the existing personal laws especially with regard to the divorce laws?

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Fourth Semester, End-Semester Examinations (Even-Semester), May 2019

HISTORY-II (LEGAL HISTORY)

Time: 2½ Hours

Maximum Marks: 50

Part-A (10 X 1 = 10 Marks)

Answer ALL the questions:

1. Proclamations issued by a superior magistrate (praetor) on judicial matters in Roman law was
 - a. *Leges*
 - b. *Edicta*
 - c. *Senatusconsulta*
 - d. *Constitutionesprincipum*
2. The agency of Madras became the presidency in
 - a. 1665
 - b. 1666
 - c. 1667
 - d. 1668
3. Many Charters of English towards India started from
 - a. Charter of 1600
 - b. Charter of 1601
 - c. Charter of 1661
 - d. Charter of 1726
4. Which among the following judicial plan totally abolished Portuguese law in Bombay
 - a. The Charter of 1668
 - b. Judicial reforms of 1670
 - c. Judicial Plan of 1672
 - d. Judicial Plan of 1772
5. The first Chief Justice of the Federal Court in India was
 - a. Sir Impey
 - b. Sir Maurice Gwyer
 - c. Sir Shah Md. Sulaiman
 - d. M.R. Jayakar
6. Which among the Charter was responsible to establish a Supreme Court in Bengal?
 - a. Charter of 1726
 - b. Regulating Act of 1773
 - c. Charter of 1774
 - d. Pitt's India Act, 1784

7. The Charter which mark the beginning of Parliamentary system in India is
- Charter of 1833
 - Charter of 1853
 - Charter of 1858
 - None of the above
8. Legal institutions have
- Single wing
 - Two wings
 - Three wings
 - Four wings
9. Which among the act provided for the establishment of an All India Federation?
- Indian Council Act of 1909
 - The Indian Council Act of 1892
 - Government of India Act of 1919
 - Government of India Act of 1935
10. Final session of the Constituent Assembly began on
- January 23, 1950
 - January 24, 1950
 - January 25, 1950
 - January 26, 1950

PART – B (5 X 4 = 20 Marks)

Answer any FIVE of the following questions not more than 150 words each:

11. Define Legal History.
12. Bring out the different categories of Roman Law.
13. Give an account on judicial reforms of 1670 in Bombay settlement.
14. Trace the consequences of the Charter of 1726.
15. State the role of the Law Commission under the Charter Act of 1833.
16. Write a short note on Warren Hasting's plan of 1781 and its defects.
17. List out the merits and demerits of Indian Council Act of 1909.
18. Distinguish between Directive Principle of State Policy and Fundamental Rights.

PART – C (2 X 10 = 20 Marks)

Answer the following questions in detail:

19. Discuss the contribution of Henry Maine and Maitland towards the Legal History. A special reference to Seldon Society.

(OR)

Throw light on Rama Kamati case (Dark Justice in Bombay) and Patna Case.

20. Give an account on the growth of the Legal Practitioners' Acts from 1846 to 1923.

(OR)

Describe the constitutional development between 1935 and 1950.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Fourth Semester, End-Semester Examinations (Even-Semester), May 2019

POLITICAL SCIENCE (POLITICAL THEORY AND ORGANIZATIONS)

Time: 2½ Hours

Maximum Marks: 50

PART-A (3 X 10 = 30 Marks)

Answer any THREE of the following questions in not less than 500 words each:

1. "The origin of State lies not in the divinity of God but in the Contract among the People" – Critically analyze the statement.
2. "Liberty is an invaluable asset to the individual and has to be defended at all times"- Explain the ways by which liberty can be defended.
3. Critically examine the basic principles of Karl Marx.
4. What do you mean by Public opinion and how various agencies influence the opinion of the people on vital issues of the State?

PART-B (4 X 5 = 20 Marks)

Answer any FOUR of the following questions in not less than 300 words each:

5. Define State and discuss its Constituent elements.
6. What is Sovereignty? State Austin's theory of Sovereignty and arguments advanced against it.
7. Discuss the important Civil and Political Rights of the Citizens in a State.
8. Bring out the differences between State and Government.
9. "There should be two Chambers for making the Laws"- Write the arguments in support of this statement.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Fourth Semester, End-Semester Examinations (Even-Semester), May 2019

SOCIOLOGY-III (LAW AND SOCIETY)

Time: 2½ Hours

Maximum Marks: 50

Part-A (10 X 1 = 10 Marks)

Answer any TEN of the following questions. Each carries one mark:

1. Mention two important contributions of Robert Peel in English Legal System.
2. *Judicium Dei* refers to?
3. The two birth rights of English men believed by Lilburn are?
4. What is person Payment?
5. The last English man to be legally tortured was and in _____
6. Talcott Parsons preferred methodology in field of Social Sciences is _____
7. Two most important works that emerged in Critical Jurisprudence _____
8. The response to Structural functionalism in America during 1960s is _____
9. Four functional Imperatives of a social system according to Parsons is _____
10. Which organization established in 20th century in Britain developed socio-legal research practices?
11. Name the oldest social sciences discipline related to Law in Britain and its subject matter of examination.
12. Sociology of Law is taught as _____ in British legal Schools.

Part-B (10 X 3 = 30 Marks)

Answer any TEN of the following with appropriate examples. Each Question carries three marks:

13. Classical Period
14. Human Sciences
15. Discourse
16. Power
17. Cognitive Actions

18. Contradictions of Ideology according to Marx
19. Evaluative Actions
20. Personality system
21. Three points of Marx's Critique of Law
22. Cultural System
23. Difference between Sociology of Law and Critical Jurisprudence
24. Two broad trends of Rationalization according to Weber.

Part-C (1 X 10 = 10 Marks)

Answer any ONE of the following questions. It carries ten marks:

25. Explain Talcott Parson's Five Pattern Variables theory and its relation with law with appropriate examples.
 26. Discuss in detail with examples Durkheim's theory of Social solidarity and Division of labor with appropriate examples.
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Name : Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**B.Com. LL.B. (Hons) Degree Programme**

Second Year - Fourth Semester, End-Semester Examinations (Even-Semester), May 2019

COST AND MANAGEMENT ACCOUNTING

Time: 2½ Hours

Maximum Marks: 50

Part-A (5 X 3 = 15 Marks)**Answer any FIVE of the following questions:**

1. What is Cost Sheet?
2. Write short notes on
(i) ABC Analysis (ii) VED Analysis
3. Write any three causes of Labour Turnover
4. What is Apportionment of Overheads?
5. Calculate Economic Order Quantity

Annual requirements	3600 Kgs
Cost of placing and receiving one order	Rs.10
Annual carrying and storage cost	Rs.20 p.u

6. From the following data given by the Personnel Department, calculate the labour turnover rate by applying:
 - (a) Separation Method
 - (b) Replacement Method

No. of Workers on the payroll:

At the beginning of the month	Rs.900
At the end of the month	Rs.1,100

During the month 10 workers left, 40 workers were discharged and 150 workers were recruited. Of these, 25 workers are recruited in the vacancies of those leaving while the rest were engaged for an expansion scheme.

7. From the following information, find out the amount of profit earned during the year using marginal costing technique:

Fixed Cost	Rs. 5,00,000
Variable Cost	Rs. 10 per unit
Selling Price	Rs.15 per unit
Output level	1,50,000 unit

PART- B (3 X 5 = 15 Marks)

Answer any **THREE** of the following questions:

8. Distinguish between Fund Flow Statement and Cash Flow Statement.
9. The following particulars apply to a particular job:
Standard production per hour Rs.1.20
In an 8 hour day -X produces 32 units, Y produces 42 units, Z produces 50 units.
Calculate the wages of these workers under Merricks Multiple Piece rate System.

10. Calculate:

1. Material Cost Variance ; 2. Material Price Variance ; 3. Material Usage Variance

Product	Standard		Actual	
	Qty	Price p.u	Qty	Price p.u
A	50	4	60	3.75
B	75	5	90	4.50

11. You are given the following data for the year 1978 of X Company:

	Rs.	Percentage
Variable costs	6,00,000	60%
Fixed costs	3,00,000	30%
Net profit	1,00,000	10%
Sales	10,00,000	100%

Find out: (i) The P/V Ratio (ii) The B.E.P (iii) The Margin of Safety Ratio.

12. Jai Ltd has three production departments A, B and C and two service departments D and E. The following figures are extracted from the records of the company:

Rent and rates	5,000
Indirect Wages	1,500
Depreciation of Machinery	10,000
General lighting	600
Power	1,500
Sundries	10,000

Following further details are available:

	Total	A	B	C	D	E
Floor space in square feet	10,000	2,000	2,500	3,000	2,000	500
Light Points	60	10	15	20	10	5
Direct Wages (Rs.)	10,000	3,000	2,000	3,000	1,500	500
H.P of Machines	150	60	30	50	10	-
Value of Machinery	2,50,000	60,000	80,000	1,00,000	5,000	5,000

Apportion the cost to various departments on the most equitable basis by preparing a primary distribution summary.

PART-C (2 X 10 = 20 Marks)

Answer any TWO of the following questions:

13.(a) Following are given balance sheets as on 31st Dec 1998 and 1999 of Calcutta Steel Co. Ltd. You are required to prepare a Common- Size Balance Sheet and interpret the results.

Balance Sheets

Liabilities	1998 Rs.	1999 Rs.	Assets	1998 Rs.	1999 Rs.
Equity share capital	3,20,000	4,80,000	Fixed Assets		
Capital Reserve	80,000	1,28,000	Land & Buildings	2,64,000	6,52,800
Revenue reserve	1,77,000	1,67,200	Furniture	7,200	14,400
6% Debentures	1,60,000	2,60,000	Plant & Machinery	44,800	59,200
Current Liabilities			Investments	2,16,000	1,36,000
Sundry creditors	2,04,000	93,000	Current Assets		
Bills payable	5,600	8,000	Stock in trade	1,28,000	1,04,000
			Book Debts	1,67,200	1,52,000
			Bills Receivable	25,600	10,400
			Cash at Bank	94,400	8,000
	9,47,200	11,36,800		9,47,200	11,36,800

(OR)

(b) From the following profit and loss account of Eveready Co. Ltd for the year ending on 31st March 1998 and 1999, you are requested to prepare a Comparative income statement and comment on the performance:

Particulars	Year ended 31.3.1999 Rs.	Year ended 31.3.1998 Rs.
Sales	12,80,000	9,60,000
Less: Cost of Goods sold	7,12,000	4,96,000
Gross Profit	5,68,000	4,64,000
Less: Administrative Expenses	2,56,000	1,76,000
Selling Expenses	1,44,000	1,68,000
Interest Charges	6,400	9,600
	4,06,400	3,53,600
Net Profit before income tax	1,61,600	1,10,400
Less: Income Tax @ 50%	80,800	55,200
	80,800	55,200

14.(a) Following are the summarized balance sheets of K Ltd., as on 31st Dec. 1998 and 1999.

Liabilities	1998 Rs.	1999 Rs.	Assets	1998 Rs.	1999 Rs.
Equity share capital	6,00,000	7,50,000	Land & Building	6,00,000	5,70,000
General Reserve	1,50,000	1,80,000	Plant & Machinery	4,50,000	5,07,000
Profit & Loss A/c	90,000	92,000	Stock	3,00,000	2,40,000
Mortgage Loan	2,00,000	-	Debtors	2,28,000	1,92,000
Sundry Creditors	4,50,000	4,20,000	Cash	2,000	3,000
Provision for taxation	90,000	1,05,000	Bank	-	20,000
			Goodwill	-	15,000
	15,80,000	15,47,000		15,80,000	15,47,000

Other Information:

During the year ended 31st Dec.1999,(i) Dividends were paid for Rs.64,000, (ii) Assets of another company were purchased for consideration of Rs.1,50,000 payable in shares. The following assets were purchased: Stock - Rs.60,000, Machinery – Rs. 75,000 and Goodwill – Rs.15,000 (iii) Machinery was further purchased for Rs. 24,000, (iv) Depreciation written off on machinery Rs.36,000, (v) Loss on sale of Machinery Rs.600 was written off to general reserve,(vi) Income tax provided during the year Rs.1,00,000.Prepare the Cash flow statement under (AS-3 Revised method).

(OR)

(b) From the following balance sheets, prepare Fund Flow Statement in traditional method:

Liabilities	1992 Rs.	1993 Rs.	Assets	1992 Rs.	1993 Rs.
Share capital	2,00,000	2,10,000	Fixed assets	3,50,000	4,75,000
Retained earnings	1,60,000	3,00,000	Inventory	1,00,000	95,000
Premium on shares	-	5,000	Bills Receivable	43,000	50,000
Accumulated Depreciation	80,000	1,00,000	Prepaid Expenses	4,000	5,000
Debentures	60,000	-	Cash	15,800	10,200
Bills Payable	37,800	40,200	Commission on shares	25,000	20,000
	5,37,800	6,55,200		5,37,800	6,55,200

Additional Information

- Depreciation for the year Rs.20,000
- Income tax paid Rs.40,000
- Interim dividend paid during the year was Rs.20,000

15.(a) Explain in detail the tools and techniques of Management accounting.

(OR)

(b) The following is the Balance Sheet of Raj Ltd. as on 31st March 2000:

Liabilities	Rs.	Assets	Rs.
Equity share capital	1,00,000	Fixed Assets 3,60,000	
7% Preference share capital	20,000	Less. Depreciation 1,00,000	2,60,000
Reserves and surplus	80,000	Current assets:	
6% Mortgage Debentures	1,40,000	Cash	10,000
Current Liabilities:		Investments	30,000
Creditors	12,000	(Govt Securities @ 10%)	
Bills payable	20,000	Sundry Debtors	40,000
Outstanding expenses	2,000	Stock	60,000
Taxation Provision	26,000		
	<u>4,00,000</u>		<u>4,00,000</u>

Other information:

1. Net sales 6,00,000
2. Cost of goods sold 5,16,000
3. Net Income before tax 40,000

Calculate:

1. Current Ratio
2. Liquid Ratio
3. Proprietary Ratio
4. Debt equity Ratio
5. Interest coverage Ratio
6. Gross profit Ratio
7. Net profit Ratio
8. Return on shareholders' funds Ratio
9. Return on capital employed Ratio
10. Stock turn over Ratio.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year - Fourth Semester, End-Semester Examinations (Even-Semester), May 2019

CONSTITUTIONAL LAW -II

Time: 2½ Hours

Maximum Marks: 50

PART – A (2 X 8 = 16 Marks)

Answer any TWO of the following Questions:

1. Granville Austin argues that the presence of co-operative federalism is visible at the formation stage of the Indian Constitution itself, and one can locate its spirit in the text and working of the Indian Constitution. Evaluate the above statement bringing out the following aspects.
 - a) The difference between co-operative federalism and competitive federalism;
 - b) Identify elements of co-operative federalism in the text and working of Indian Constitution;
 - c) Judicial discussions about the federal character of the nation.
2. Judicial independence is considered as an indispensable part of democratic governance. Discuss the norms of judicial independence.
3. Critically evaluate the law relating to disqualification due to defection in India.

PART – B (2 X 6 = 12 Marks)

Write short notes on any TWO of the following, explaining the principle with the help of a judgment:

4. Retrospective legislation.
5. Colourable legislation.
6. Doctrine of repugnancy.
7. Justiciability of Presidential discretion under Article 352.

PART – C (1 X 10 = 10 Marks)

Answer any ONE of the following Questions:

8. Congee leader Mr.Suryakant Achrekar (SA) has approached the Supreme Court of India against Gomantha Governor Ms.Softee Zimba's (SZ) decision to invite the Bhaji leader Mr. Pleasant Gharewala (PG) to form the next government. The petition alleges that Governor of Gomantha, instead of inviting the petitioner, who is the leader of the single largest party in the Gomantha Legislative Assembly, and giving him an opportunity to prove his requisite support to form the government, chose to arbitrarily call upon PG to appoint as the Chief Minister. Write the judgment.
9. The petitioners, who belong to the Ordinary Folk's Party, were elected to the Legislative Assembly of the Capital state in 2015. They represent different constituencies.

By an office order, the petitioners were appointed as Parliamentary Secretaries to the Ministers in the Government. The Parliamentary Secretaries will not be eligible for any remuneration or any perks of any kind from the government. However, they may use government transport for official purposes only and office space in the Ministers' office would be provided to them to facilitate their work.

Consider this as in *pari materia* with *Kailash Gahlot v. Union of India* W.P.(C)--750/2018 and decide.

Section 15 of the Government of National Capital Territory of Delhi Act, 1991 (GNCTD Act) is as under:-

"15. Disqualifications for membership:

(1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly:-

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of Union Territory other than an office declared by law made by Parliament or by the Legislature of any State or by the Legislative Assembly of the Capital or of any other Union territory not to disqualify its holder; or

(b) if he is for the time being disqualified for being chosen, as, and for being, a member of either House of Parliament under the Provisions of sub-clause (b), Sub-clause (c) or Sub-clause (d) of clause (1) of article 102 or of any law made in pursuance of that article.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of any Union territory by reason only that his is a Minister either for the Union or for such State or Union Territory.

(3) If any question arises as to whether a member of the Legislative Assembly has become disqualified for being such a member under the provisions of sub-section(1), the question shall be referred for the decision of the President and his decision shall be final.

(4) Before giving any decision on any such question, the President shall obtain the opinion of the Election. Commission and shall act according to such opinion."

PART – D (1 X 12 = 12 Marks)
(COMPULSORY QUESTION)

Answer the following Question:

10. The Supreme Court collegium sent the names of one judge and a senior lawyer for elevation as SC Judges to the government.

The Union Government delayed the decision for more than three months by inaction, which invited criticism from senior judges in the collegium as well as opposition parties as it was seen as wreaking revenge for certain orders of the judge.

Senior judges in the collegium wrote to the Chief Justice of India seeking immediate intervention as there was a growing impression within the community that the independence of the judiciary was at peril and that the judiciary was buckling to the pressures exerted by the executive.

Later, the Law Minister wrote to the collegium asking it to reconsider its recommendation of the name of the particular Judge, saying it was in violation of the Supreme Court's parameters on seniority and merit, and the adequacy of representation of the High Court to which the judge belongs to.

On a later day, the collegium reiterated the judge's name and added two more to the list. Later the Union Government issued a notification appointing the three Judges as per the recommendations of the collegium, but relegating the judge as third in seniority.

Taking account the working of the current system of Appointment of Judges, a few public-spirited persons filed petition before the Supreme Court of India for judicially reviewing the 99th Amendment Act and ensued legislation in this context. Decide.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year–Fourth Semester, End-Semester Examinations (Even-Semester), May 2019

PROPERTY LAW

Time: 2½ Hours

Maximum Marks: 50

Instruction:

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

Part – A (3 X 10 = 30 Marks)

Answer any THREE of the following questions:

1. What are the requirements of a valid sale of immovable property? Explain the position of law regarding validity of GPA sales under law in light of its socio-economic implications. (3 + 7 Marks)
2. Explain the different types of mortgages. Other than the mortgagor, who can redeem the mortgaged property? Is long period for redemption necessarily a clog on redemption? (4 + 2 + 4 Marks)
3. Write short notes on any FOUR of the following (4 X 2 ½ = 10 Marks):
 - a) Charge
 - b) Actionable claim
 - c) Apportionment
 - d) Property that cannot be transferred (Section 6 of Transfer of Property Act)
 - e) Fraudulent transfer
4. Explain the terms 'demise' and 'holding over' in the context of Transfer of Property Act. Explain whether a person holding over a demised property is a trespasser. Support your answer with the concepts of 'tenancy at sufferance' and 'tenancy at will'. (10 Marks)

PART-B (2 X 10 = 20 Marks)

Answer any TWO of the following questions:

5. 'X' required Rs.30 lakh for his wife's treatment. Due to shortage of money, he decides to enter into an agreement with 'Y' that 'Y' should lend him Rs.30 lakhs and in return he would transfer his flat worth Rs. 60 lakh to

'Y' conditionally, condition being if the amount is returned within 5 years from the date of deed, the transfer would become void and in case there is failure of repayment within due date, the sale would become absolute in favour of 'Y'. Y puts a condition in the deed that 'X' cannot get his property after the due date. As the requirement of money was urgent, 'X' agrees to the condition and the deed is executed and registered. 'X' could not repay the money within five years although he is now willing and is trying to repay.

In light of above facts, answer the following-

- a) Describe the nature of the transfer that took place between 'X' and 'Y'. Differentiate it with sale with condition of repurchase? (4 Marks)
 - b) Explain the remedy available with 'Y' due to non-payment by 'X'. (2 Marks)
 - c) Is the condition put by 'Y' valid? Explain giving appropriate reasons. (4 Marks)
6. Tank Pichavaram is an artificially constructed water body situated in Kallas Estate. The tank is under the ownership of Lima Kallas and through a registered instrument titled 'PATRA', the right to fishing in the tank was given to G Mohan who lived on the east side of the Estate. A few extracts of PATRA is as follows:

PATRA

"I am the absolute owner of Tank Pichavaram. In exercise of my ownership right, I grant you from 01-01-1990,

- (a) The right to catch and carry away fish from Tank Pichavaram for twenty five years, i.e., till 31-12-2015.
- (b) You shall pay a sum of Rs. 25 lakh on the execution of this instrument as part of the consideration. The other part of consideration will be a share in the fish caught amounting to 1% of total monthly sales.
- (c) The permission to make, at your expense, facilities for parking boats, catching, storing, drying and transporting fish catch with the condition that these facilities will be removed when the right ends. In case of failure of removal, I will be entitled to such facilities without any money given as compensation.
- (d) Gaurami fish, my favourite ornamental fish in the Tank will not be caught during fishing and if caught accidentally, it should be released to the water.
- (e) On violation of any of the conditions specified, I reserve the right to cancel the rights".

Lima and G Mohan developed good friendship since 1990. Lima allowed G Mohan to use the tank for drinking water facility. For the same, G Mohan has constructed water ducts carrying water from the tank to her houses.

In 2012, Lima Kallas passed away. Rima Kallas, the sole heir of late Lima Kallas sold the Estate to Shane Nigam in 2014.

- (A) Is the nature of interest conveyed to G Mohan through Patra a mere licence or an interest in the property? Explain and Differentiate. **(4 Marks)**
- (B) Is Shane Nigam legally mandated to allow G Mohan the right to fishing till 31-12-2015? **(3 Marks)**
- (C) Is Shane Nigam required to allow G Mohan the right to take drinking water from the tank? **(3 Marks)**
7. Uttam registered the following gift deed on 4th November 1998. Gift was accepted by the donees.

“I, Uttam aged 48, gifts all my property- a house in Trichy and an estate in Ooty to my son, Param and daughter, Sumitra subject to the condition that I shall have the right to enjoy all the rent and profits from the house and the Estate during my lifetime. After my lifetime, both of you will be absolute owners of the said properties. We will have joint power of alienation during my lifetime and after my lifetime, you will have absolute power of alienation”

On 21st April 2019, Uttam executed a cancellation deed of the registered gift deed stating that profits from the house and income from the Estate was not given to him by his children.

- a. Comment whether the gift deed was valid as whole of the rights in the property was not transferred through the gift deed **(4 Marks)**
- b. Comment whether Param and Sumitra have vested or contingent interest in the house and the estate **(4 Marks)**
- c. Comment whether revocation of the gift deed is valid **(2 Marks)**
-

Name :

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year–Fourth Semester, End-Semester Examinations (Even-Semester), May 2019

JURISPRUDENCE

Time: 2½ Hours

Maximum Marks: 50

Answer any FIVE of the following questions in not more than 500 words each (5 X 10 = 50 Marks):

1. One Mr. Tetley owned a workshop in Hope's End, which had windows overlooking and receiving light from the direction of an empty plot for several years. Mr. Wheeler, his neighbour built on the empty plot in such a way that it obstructed the windows of Mr. Tetley's workshop. The construction blocked all natural light from entering into the workshop. In response, Mr. Tetley dismantled Wheeler's construction, asserting that he had a right over the light passing through Wheeler's lot. Wheeler brought an action in trespass.

A general statute passed by the legislature of Hope's End maintained that "no person could trespass on another person's land". The Supreme Court of Hope's End, however, held that "Generally speaking it is an accepted principle of law that a person is entitled to sufficient light according to the ordinary notions of mankind for the comfortable use and enjoyment of his house as a dwelling-house, if it is a dwelling-house, or for the beneficial use and occupation of the house if it is a warehouse, a shop, or other places of business". It also held that one could trespass a land to remove any encumbrances to their own enjoyment of Property. Accordingly, the court ruled that Wheeler's construction was illegal and that Tetley was not liable for trespass.

- a. Do you think that the principle cited by the court is "law"? Explain with reference to the Hart-Dworkin debate.
 - b. How would Dworkin's position, in this case, differ from that of the American legal realists?
2. On 27th November 2018, the Uttarakhand High Court directed that all pornographic websites should be banned in India. It's reasoning *inter alia* was that

The sites are readily available to the children to view obscene and indecent facts, including pornography. It was expected from all the Internet Service License Holders that they would block these sites to protect the children of impressionable age. The psyche of the children of impressionable age is also affected, which, at times, results in the commission of crimes. The entire society, including parents, teachers, and school management is responsible to safeguard the interest of the children.

- a. How do we square the “freedom” of speech and expression with the “interest” of the children? Is “freedom” and “Interest” the same thing as a “Right”?
 - b. How would Dworkin respond to the judgement? Explain using Dworkin’s model of rights as trumps and his criticism of the utilitarian justification for the boundaries of rights.
3. Erin Pockowitch was a single ‘mom-to-be’ who was employed as an Assistant Editor at ‘The Ausdruck’ a popular national daily in the United States of Turmerica. Being a single woman with a day job as her only source of income, she was working multiple shifts to save as much as possible for her baby. To ensure the safety of her baby, she had renovated her apartment to make it baby-proof and spent a huge amount of her savings in doing so. She was left with very little money for her postpartum necessities. Worried by her financial conditions, Erin approached her boss, Muthupandi, requesting him to grant her a ‘paid’ maternity leave but her request was denied. In 1958, there was no law that could compel any of the employers to grant a ‘paid’ leave to its employees regardless of their predicaments.

Upset by the decision of her employer she decided to approach the Court on the grounds of violation of her human rights including the right of a woman to safe and secure motherhood. The all-male bench of the court rejected her arguments on the ground that there was no law in the United States of Turmerica protecting the rights of a “mother”. Further, it held that the paper was merely following the Equality of Privileges, Work and Wages Act of 1958 (EPWW) under which employers had to ensure that all “workers” are given equal opportunities regardless of their status and gender. Since EPWW was validly passed by the all-male parliament of Turmerica and accepted by the people, the paper had no option but to enforce it and disallow the ‘paid’ maternity leave.

Do you agree with the decision of Mr.Muthupandi? Do you think the fact that the bench of the court and the parliament of Turmerica both only have male members, effects the *validity* of EPWW? How do you think the concept of *Law* takes into account *gender* disparity?

4. Hart's most famous work is *The Concept of Law* is hailed as "the most important work of legal philosophy written in the twentieth century" and has served as the foundational text of jurisprudence for decades. With this work as your reference, answer the following questions:
- How does Hart critique the other great work on legal theory - Austin's *Province of Jurisprudence Determined*?
 - What according to Hart are the "persistent questions"? How does he answer these questions? Explain with examples.
 - What according to Hart are the crucial features of a "legal system"?
5. Jean Valjean was a designated slave and was lawfully owned by a rich merchant called Owen Hall. In 500 C.D., slavery was constitutional in the State Zenotia. There was no law in the Zenotian Constitution which imposed any limitations on the powers of the Zenotian slave owners. Jean Valjean was one of the thousands of slaves in Zenotia who were subjected to brutal treatment by their owners which involved starvation and occasional beatings. One day, Valjean fell asleep at work and was punished with a week's starvation by his Master Hall. Three days into the week, Valjean had lost nearly all his physical strength and was in dire need of food. His pleas for forgiveness went unheard and he could not risk losing his only source of livelihood by protesting against his master. On the fourth day, while working in Master Hall's kitchen, he saw a basket full of freshly baked bread and cookies lying on the counter. Tempted by food which he had been deprived of for the past four days, he picked up a slice of bread and two cookies and hid them in his robe. However, the Mistress of the house caught Valjean stealing the food and immediately reported it to Hall.

Furious by the act of the slave, Master Hall handed him over to the local law enforcement agency ZBI which charged him with theft and with showing disrespect to his lawful master. The Court of Zenotia, according to Article 11.4.0 of the Zenotian Constitution, held him guilty and sentenced him to 57 years in the State Prison. Sadly, this was not the first case of this kind; multiple slaves had been sentenced to prison before on account of the slightest 'misdemeanours'. However, Valjean's imprisonment proved to be an immediate trigger to a slaves' mutiny across the State of Zenotia with the slaves demanding the abolition of slavery through a few major amendments in the Constitution of Zenotia. The mutiny witnessed the support of numerous *free citizens* too and soon the demands to abolish slavery were backed by the demands to grant basic human rights to all the Zenotians, equally.

Is Article 11.4.0 of the Zenotian Constitution valid *Law*? Let us assume that the slaves succeed in overthrowing the Zenotian government. Will Article 11.4.0 still be *Law*? Can a rule which justifies the ownership of persons ever be valid *Law*?

6. Loki enrolls as a student at Midgard College. At the time of admission, he signs an undertaking and promises to follow the rules of the College. One of these rules is that the hostel rooms of all students will be checked at 11:00 PM every day. On one day, however, after a Jurisprudence class, Loki refuses to let the college authorities check his hostel room. He claims that according to a recent ruling by the Supreme Court of Midgard, he had a *right* to privacy. When reminded of his undertaking, Loki simply argues that his right *trumps* all previous considerations.

The principal of the College, the inimitable Lord Thanos, who was himself a Jurisprudence professor for several decades, reminds Loki that he has the *power* to remove him from the hostel room under the law of Midgard and then check his room anyway.

- a. Can Lord Thanos check Loki's room? What does it actually mean to have a *right* and a *power*? Explain using the Hohfeldian conception of rights.
 - b. Which *theory* do you think best justifies the concept of rights? Explain with reference to the will and interest theories of rights.
7. Lon Fuller's *The Case of the Speluncean Explorers* is one of the most famous and influential thought experiments in Jurisprudence. It presents a legal philosophy puzzle to the reader and five possible solutions in the form of judicial opinions that are attributed to judges sitting on the fictional "Supreme Court of Newgarth" in the year 4300. Jurisprudence, however, has moved on since Fuller's time. Through reference to the other theories that you have learned in this course, can you write a judgement to the case of the Speluncean Explorers which offers a markedly different solution than the five Judges in the case?

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

Second Year - Fourth Semester, End-Semester Examinations (Even-Semester), May 2019

ADMINISTRATIVE LAW

Time: 2½ Hours

Maximum Marks: 50

PART-A**Question 1: Answer EITHER A (OR) B (10 Marks):****A.**

- (i) The difference in application of Principles of Natural Justice between Administrative and Quasi-Judicial Proceedings was finally ended by the Supreme Court of India in *AK Kraipak v Union of India*. Discuss.

(7 Marks)

- (ii) With reference to (i), fill in the following table. Indicate the Sl. No. and the details of your answer in your answer sheet.

(3 Marks)

Sl. No.	Problem	Classification of Action	Whether hearing should be granted	Reasons for your decision
1.	Jayati moved to Kerala when she was appointed as Chairperson, Kerala Board of Education for three years. After about six months, she was removed from the office as the government took a policy decision to terminate the services of all chairpersons of boards.			
2.	Vishu obtained a license for his gaming club for 2016-2017. The Corporation refused to renew the license for 2017-2018.			
3.	Samta and Saumya applied for diamond mining leases to the State Government. The State Government accepted only Samta's application. Saumya approached the Central Government, the authority with the power to review. The Central Government allowed the review application without hearing Samta.			

B.

- (i) Examine how the Right to Information Act, 2005 endeavors to ensure accountability and transparency in Indian Administration with special reference to Delegated Legislation.

(7 Marks)

- (ii) The concept of the Ombudsman is a 'flexible' one. Discuss this with special reference to the jurisdiction of the Lokpal Act, 2013.

(3 Marks)

Question 2: Answer any TWO of the following questions (2 X 7½ = 15 Marks)

- A. Evolution of the Reasonable Suspicion and Real Likelihood tests of bias in India.
- B. Delegated Legislation and the IXth Schedule of the Constitution.
- C. Exclusion of Right to Hearing.
- D. Grounds and Extent of Judicial Review of Government Contracts.
- E. Relationship between Wednesbury Unreasonableness and Proportionality.

PART-B

Question 3: Answer EITHER A OR B (10 Marks)

- A. Rule 4(3) of the ABC Civil Services Rules, 2018 states:

Where the punishing authority (PA) enquires into any charge against a government servant, it shall appoint a government servant or a legal practitioner to be known as a presenting officer to present the case on its behalf, in support of the charge. The accused will be represented by a government servant and may, with the sanction of the punishing authority, be represented by a legal practitioner.

X, a new recruit in the legal department, who is easily intimidated by his seniors and shy, is charged with misappropriating certain sums of money. In the enquiry proceedings he requested that he be represented by a legal practitioner.

The PA in the meanwhile had laid down a policy that 'government servants from the legal department shall not be entitled to a legal practitioner'. On the grounds of the stated policy, and without entertaining the application, the PA appointed Y, a government servant. Y has a strong reputation of advising senior officers on legal documents and matters. The presenting officer on the other side is a legal practitioner.

Decide whether:

- (i) The PA can restrict its discretion with a policy of not appointing legal practitioners for legal department government servants, and has rightly exercised its discretion in the present case.
 - (ii) The appointment of Y to represent X is in line with the principles of a fair hearing.
- B. Charges that may result in dismissal are brought against Mani, a Government servant. Mani denied the allegations and further stated that she did not have faith in the appointed inquiry officer (IO), who had also instituted two previous enquiries against Mani on the basis of charges that were proved to be manifestly false. Mani therefore submitted an application to the IO, stating that his appointment was illegal.

The IO ignored the application and fixed 1.1.2019 for inquiry. Other than recording Mani's reply in two sentences, the inquiry was ex-parte, as Mani refused to further cooperate. The IO did not attempt to set another date.

The IO concluded the inquiry and submitted his report to the disciplinary authority (DA). The DA issued a show cause notice to Mani but did not supply the IO's report. On 10.1.2019, the DA passed the impugned order dismissing the petitioner from service holding that all the charges have been proved. When Mani obtained a copy of the order of dismissal she saw that it simply stated that the 'DA agrees with the findings of the IO.' In support of this statement, the DA stated the 'relevant rules are silent' with respect to the recording of reasons.

Mani approaches the Court arguing that the DA and IO have not followed principles of natural justice. While deciding if she will be reinstated by the Court, answer the following questions, in any order you find appropriate:

- (i) Whether and the extent to which the DA is under the obligation to record reasons?
- (ii) Whether the non-disclosure of the inquiry report is fatal to the decision?
- (iii) Whether mala fides be inferred?

Question 4: Answer any THREE of the following questions (3 X 5 = 15 Marks)

- A. The Election Commission (EC) deleted Arun's name from the electoral roll without giving him a hearing. When Arun approached the Court, the EC stated that they were willing to provide a post-decisional hearing. Decide whether the Court will accept the EC's submission.
- B. Varun, a helicopter pilot with the Indian Army, was flying food supplies to his battalion at the border. Unfortunately, due to a manufacturing defect in the helicopter, it crashed into a nearby village with Varun and ten other people sustaining severe injuries. Decide whether the Union of India will be able to use the doctrine of sovereign immunity in the resulting litigation.
- C. Section 29 of the XYZ Buildings (Lease and Rent Control) Act provided that the 'government may, subject to such conditions as they may deem fit, on application, exempt any building from all or any provisions of the Act'. The Statement of Objects and Reasons lays down the purpose for which the Act was enacted i.e. to regulate the letting of residential buildings, control of rent and unreasonable evictions of tenants. Decide whether the discretion conferred is excessive.
- D. During a state of emergency, the State Government of X passed an order to initiate detention and questioning of all persons with a prior record of smuggling. Prashant, one of the detainees, filed a case in the Supreme Court stating that the Government did not have the power to pass the order without

legislative backing. The Government on the other hand, argued that the exercise of their power was in line with *Ram Jawaya v. State of Punjab* AIR 1955 SC 549. Decide which contention will find favour with the Court.

- E. Section 5 of the ABC University statute states that the Selection Committee for new professors will consist of the Vice Chancellor, the Head of Department and two senior faculty members. Prof. X, the senior-most faculty member of the Math department is a part of the Committee. The entire Committee interviewed Y, who had a valuable working relationship with Prof. X for two years before applying. Decide whether the decision to select Y is vitiated on the ground of bias.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Sixth Semester, End-Semester Examinations (Even-Semester), May 2019

POLITICAL SCIENCE-IV (PUBLIC POLICY AND PUBLIC ADMINISTRATION)

Time: 2½ Hours

Maximum Marks: 50

PART-A (3 X 10 = 30 Marks)

Answer any THREE of the following questions in not less than 500 words each:

1. "Though there are certain points of similarity between Public and Private Administration, yet, no private organization can ever be exactly the same as a public one" - Examine.
2. "Many problems of workers – management cooperation were the results of the emotionally based attitudes of the workers rather than objective difficulties in the situation"- Comment.
3. Discuss the important provisions of the 73rd and 74th Amendment Acts to the Indian Constitution and the Implications of the Acts.
4. Write about the reasons for the growth of Delegated Legislation and dangers of Delegated Legislation.

PART-B (4 X 5 = 20 Marks)

Answer any FOUR of the following questions in not less than 300 words each:

5. Define Public Policy and discuss the nature and significance of Public Policy.
6. Define Hierarchy and discuss the Merits and Drawbacks of Hierarchy as a principle of organization.
7. Define Public Corporation and enumerate the main characteristics of the Public Corporation.
8. Write about the planning machinery in India before the formation of NITI Aayog.
9. Write a brief note on MGNREGA, 2005.

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

Third Year - Sixth Semester, End-Semester Examinations (Even-Semester), May 2019

FINANCIAL MANAGEMENT AND PRACTICAL AUDITING

Time: 2½ Hours

Maximum Marks: 50

PART-A (4 X 5 = 20 Marks)**Answer any FOUR of the following questions:**

1. What are the major types of financial management decisions that business firms make? Describe each.
2. Contrast the IRR and the NPV methods. Under what circumstances may they lead to (a) comparable recommendations? (b) give conflicting recommendations?
3. Define the term working capital. What factors would you take into consideration in estimating the working capital needs of a concern?
4. Describe the Audit Approach in Computerized Environment
5. "Auditor is a watchdog, not a bloodhound" – Comment.

PART – B (3 X 10 = 30 Marks)**Answer any THREE of the following questions:**

6. Fit a straight line trend for the following working capital series. Estimate the value of working capital for 2022:

Year	2011	2012	2013	2014	2015	2016	2017
Working capital in Crores	60	72	75	65	80	85	95

7. A&Co., has 10,000 Equity shares of Rs.100 each, 10% Debenture Rs.1, 00,000 and company has sales of Rs. 1 lakh. The variable costs are 40% of the sales while the fixed operating costs amount to Rs.30,000. The amount of interest on Debenture is Rs.10,000.

You are required to calculate the (a) Financial leverage (b) Operating Leverage (c) Composite leverage and illustrate its impact if sales increase by 5% and calculate the EPS.

8. As a financial analyst of a large electronics company, you are required to determine the **weighted average cost of capital** of the company. The following information is available for your perusal:

The company's present book value capital structure is:

Debenture (Rs.100 per debenture) Rs.8,00,000
Preference shares (Rs.100 per share) Rs.2,00,000
Equity shares (Rs.10 per share) Rs.10,00,000

All these securities are traded in the capital markets, Recent prices are;

Debentures Rs.110 per debenture
Preference shares Rs.120 per share
Equity shares Rs.22 per share

Other information:

- (i) Rs. 100 per debentures redeemable at par; 10 year-maturity, rate of Interest is 13%, 4% floatation costs, sale price Rs.100
- (ii) Rs.100 preference share redeemable at par; 10 year-maturity, 14% dividend rate, 5% floatation costs, sale price Rs.100
- (iii) Equity shares: Rs.2 per share floatation costs, sale price = Rs.22.

In addition, the dividend expected on the equity share at the end of the year is Rs.2 per share; the anticipated growth rate in dividends is 7% and the firm has the practice of paying all its earnings in the form of dividends. The corporate tax rate is 50%.

9. Star Ltd. had 50,000 equity shares of Rs.10 each outstanding on January 1. The shares are currently being quoted at par in the market. The company now intends to pay a dividend of Rs. 2 per share for the current calendar year. It belongs to a risk-class whose appropriate capitalisation rate is 15% and the company expects to have a net income of Rs.2 lakhs. Test the hypothesis of MM if its investment needs of Rs.2 lakhs.
-

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

Third Year - Sixth Semester, End-Semester Examinations (Even-Semester), May 2019

CORPORATE LAWS-II

Time: 2½ Hours

Maximum Marks: 50

Part-A (1 X 10 = 10 Marks)
(COMPULSORY QUESTION)

1. Avengers Ltd. (a Public Company registered under the Companies Act, 2013) decides to raise capital of 1000 crores through Private Placement of Optionally Fully Convertible Debentures (OFCDs). The said issue will offered securities through private placement to Rs.1,00,000/- identified individuals which was later to be subscribed by 200 persons only. Due to the low level of subscription and not being able to raise required amount of, the Company passes a resolution to go for an IPO.

However, before the said issue the company took unsecured bridge loans of 180 crores (18% of the total issue size) during Pre- offer period which was not disclosed to the public in the prospectus. On the contrary, in the Prospectus it was categorically stated that “Our Company has not raised any bridge loan against the proceeds of this Issue.”

Captain America LLP the auditing firm provided consultancy on tax and allied matters to Avengers Ltd. for a period of 17 years. Such inclusion of the above statement was approved by the auditors.

The company had not applied for listing of its securities in any Stock Exchange since OFCD’s are not covered under the definition of securities given under 2(h) of the Securities Contract Regulation Act, 1956. On receiving the minimum subscription, the Company proceeded with the issuance of OFCD’s.

These unsecured bridge loans were repaid immediately upon receipt of public offer proceeds. Further, it is also found that the company went on to use the capital raised, to give out loans to three of its group companies. These loans were given in the beginning of each quarter and returned by the companies by the end of the quarter. Such transactions were not reflected in the and thereby never reported in the balance sheet as the outstanding amount at the end of the quarter was NIL. The three companies to which the loan was given to

had the same directors as Avengers Ltd. It is estimated that Avengers Ltd sanctioned loans and guarantees worth Rs 376 crore to several entities, inside its group and other companies, without seeking any securities.

Today, the Avengers group with at least 24 direct subsidiaries, 135 indirect subsidiaries, six joint ventures and four associate companies is sitting on a debt of about Rs 910 crore which is on default. Of this, nearly Rs 600 crore of debt is at project level, including road, power and water projects.

The defaults have shut it out of the market, leaving it at the mercy of majority institutional shareholders — Black Widow Corp of India, X-Men Finance Corp of India, Corp and Strange Investment Authority.

Certain Shareholders, directors and the Central Government of the company became aware of such activities of the company at a later date and wish to take action against the Company, its directors and auditors of the company. Identify at least 5 irregularities, violations along with penal provisions under the respective Acts/Rules/Regulations and suggest at least 2 alternatives in this regard as the Company has got many stakeholders interest.

PART-B (4 X 8 = 32 Marks)

Answer in all FOUR questions from this part.

2. A scheme of amalgamation of Company Naruto Ltd with Company Hinata Ltd is proposed. Company Naruto Ltd has approached you for advice in this regard. Do give your advice citing legal provisions.
 - a. Prepare a brief activity schedule on different stages involved in M&A transactions. **(4 Marks)**
 - b. While the scheme is proposed to be submitted to NCLT for approval, it has come to knowledge of the Company that some members are planning to requisition for EGM so as to request Naruto Ltd to renegotiate the Exchange Ratio with Hinata Ltd. What should the BOD do when they requisition? Can the exchange ratio be questioned by a small group of shareholders in NCLT and How? **(1 Mark)**
 - c. Similarly, the company believes some workers may refuse to join Hinata Ltd and claim compensation for premature termination of services. How to tackle such a claim? **(1 Mark)**
 - d. Is it necessary that both the transferor and transferee companies have to Companies incorporated in India? **(1 Mark)**
 - e. The object clause of the Naruto Ltd and Hinata Ltd is not similar as they deal in different line of businesses. Will it be an issue? **(1 Mark)**
3. Board of Directors of One Piece Ltd have met on 10th October 2017 to consider half yearly accounts of the company. Though the accounts have shown that the

Company has made profits, the overall result is not very encouraging in comparison to past year. The Board has always declared interim dividend and would like to continue this year too. The Board is also confident about its performance to improve in days to come. The following questions have been raised:

- a. What is an interim dividend? **(1 Mark)**
 - b. Can the Board declare interim dividend in given circumstance? **(1 Mark)**
 - c. Whether provision relating to depreciation made applicable for payment of interim dividend? **(1 Mark)**
 - d. Can a company declare dividends in case it has suffered losses? Discuss in detail relevant provisions? **(5 Marks)**
4. Narnia is a vibrant country which is now in the process of drafting laws to Corporate takeover and seeks your advice on the following:
- a. What approach should one take to determine the trigger factor for mandatory bid? **(2 Marks)**
 - b. What according to you is “control”? How do we define it? **(2 Marks)**
 - c. State the salient features of India’s SEBI (Substantial Acquisition of Shares and Takeover) Regulations, 2011. **(2 Marks)**
 - d. What are all the types of offer provided under the regulation? **(2 Marks)**
5. “An Auditor is a watchdog and not a blood hound.” Discuss the role of Auditors in a Company and that of Audit Committee in appointment of Auditors. What are all the important parameters determining his independence? **(8 Marks)**
6. Discuss the process of winding up under Companies Act, 2013 with specific reference to role of liquidators. Also examine in brief the developments in this law post enactment of Insolvency and Bankruptcy Code, 2016. **(8 Marks)**

PART-C (2 X 4 = 8 Marks)

Answer in all FOUR questions from this part.

7. Small Shareholder Director
8. Role of Creditors
9. Registration of Charges
10. *Fixed v. Floating Charge*
11. Board Meetings

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Sixth Semester, End-Semester Examinations (Even-Semester), May 2019

LABOUR LAW-II

Time: 2½ Hours

Maximum Marks: 50

Instructions:

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

PART-A (2 X 10 = 20 Marks)

Answer ALL the questions:

1. Yousuke runs an online shop where he sells handmade badges made of tin with the impression of an image chosen by the customer on a specified part of the badge on request. On occasion, the customer requests the impression to be taken in their home, and in such a case a blank badge is made and the impression is taken and applied at the home of the customer.

Yousuke has four employees who help him make the badges at his garage at home, and seven more are engaged [through a contractor] in dealing with taking impressions for badges at the customers' homes. These seven employees also take care of the delivery of the badges.

The badges are made from recycled bottle caps and safety pins which are stuck together with a hot glue gun which uses rechargeable batteries.

Yousuke wants to make sure that he is in compliance of all the labour laws applicable to him and has approached you with the following questions. Kindly answer them in detail with the help of decided case law to illustrate your position.

- a. Is Yousuke's badge making business a 'factory' under the Factories Act, 1948? Please explain why or why not using definitions used in the Act, case law, and your own reasoning.

If we assume that the business does qualify to be a factory, what area would come under the 'premises' of such a factory? (7 Marks)

- b. Assume that the badge making business does qualify to be a factory. Out of the total 11 employees, how many will be covered under the Act? Why or why not? (3 Marks)
2. 'X' is a contract employee of Xeran Contractors and works as a tailor earning Rs.10,000 per month in a garment factory owned by Moore Garment Manufacturing Co. X's work timings are from 8 a.m. to 5 p.m.. Moore Garments is very particular about its employees reaching work on time and therefore provides shuttle bus facility to its employees. On 10th April, 'X' was returning back home after work and took the 5:30 p.m. shuttle from outside the factory premises. The bus on its way met with an accident. 'X' was sitting next to the bus door and fell out of the bus. A passing car ran over her right hand and there was amputation through her shoulder joint. She had to be hospitalised and she incurred huge expenses. 'X' now claims benefit under Employee's State Insurance Act (ESI Act) and compensation from Moore Garments under Employees' Compensation Act 1923 (earlier known as the Workmen's Compensation Act, 1923) simultaneously. The employer denies liability.

In light of above facts, answer the following questions-

- a. Is 'X' an employee under the ESI Act? Does the injury suffered by her qualify to be called an 'employment injury' under the Act? Explain with reference to relevant provisions, doctrines and case laws. (4 Marks)
- b. What is the type of disablement suffered by 'X'? What benefits are given under this Act when a person suffers from such disablement? (2 Marks)
- c. Assuming 'X' is covered under ESI Act, can she also claim under Employees' Compensation Act (earlier the Workmen's Compensation Act, 1923)? Why/Why not? (2 Marks)
- d. Which authority under the Act would decide about the claim of 'X'? If the decision is to be challenged, where will the appeal lie to? (2 Marks)

PART-B (3 X 10 = 30 Marks)

Answer any THREE of the following questions:

3. Based on decided cases, discuss the role of the judiciary in addressing the gender pay gap in employment in India? In your answer, please describe the test developed in the case '*Air India v. Nargesh Mirza, 1981 AIR 1829*' in order to determine whether there was discrimination based on gender in recruitment and employment conditions, and the application of the same in subsequent judgments.

4. Explain the judicial decision in *Beed District Central v. State of Maharashtra And Ors*, 2006 8 SCC 514 regarding beneficial terms agreed to between the employer and employee regarding payment of gratuity. How does this affect the right of the employee to avail benefits under the Payment of Gratuity Act, 1972? In your answer, kindly mention whether contracts of employment and/or agreements between a trade union and employer can affect this right.
 5. Briefly explain the social security schemes under the Employee's Provident Fund and Miscellaneous Provisions Act, 1952. What are tests to determine whether there can be clubbing of establishments under the Act? Do special allowances come under the ambit of 'basic wages under the Act? Explain with reference to case laws.
 6. When an establishment is suffering from losses in a particular year, does it have to pay bonus to its employees? Explain with reference to provisions of Payment of Bonus Act, 1965 pertaining to minimum bonus, maximum bonus, set on and set off of allocable surplus.
 7. What has been the role of courts in promoting maternity benefits under the Maternity Benefits Act, 1961? Illustrate with the help of important case laws.
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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

Third Year – Sixth Semester, End-Semester Examinations (Even-Semester), May 2019

PUBLIC INTERNATIONAL LAW

Time: 2½ Hours

Maximum Marks: 50

Part – A (10 X 1 = 10 Marks)

Answer ALL Questions. Each Question carries one mark:

1. A. True (OR) False

Oppenheim describes International Law is Vanishing Point of Jurisprudence.

B. Amongst the following which Articles signify the importance of *jus cogens* in the Vienna Convention on Law of Treaties, 1969?

(i) Article 26 and 53

(ii) Article 64

(iii) Article 53 and 64

(iv) Article 33

C. Amongst the following which one of the Conventions lists the essential elements of the State

(i) Montevideo Convention on the Rights and Duties of the States, 1933

(ii) United Nations Charter, 1945

(iii) Vienna Convention on Law of Treaties, 1969

(iv) Charter of Economic Rights and Duties, 1974

D. Clean slate doctrine relates to

(i) Study the relationship between international law and municipal law

(ii) Recognise various forms of state and government

(iii) Reparation provision for expropriation

(iv) Rights and liability of successor states

E. An innocent passage qualifies as

(i) Innocent passage concerns only vessels of the same nationality with the coastal state.

(ii) Innocent passage concerns only the passage of merchant vessels and not of warships.

(iii) Innocent passage is the passage that does not involve any criminal activity.

(iv) A vessel's passage is considered where it is not prejudicial to the peace, good order or security of the coastal state.

F. Arrange the following in chronological order

- (a) Admission of Membership in the United Nations
- (b) Nuclear Test Case
- (c) Nicaragua v. United States of America
- (d) Pulp Mills Case

Select the correct answer using the codes given below:

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

G. Amongst the following which one is correct?

Article 33 of the United Nations Charter permits, the parties to the dispute may resolve the conflicts by referring.

- (i) Enquiry, Negotiation, Mediation, Conciliation, Arbitration, Judicial Settlement and Resort to Regional Agencies
- (ii) Negotiation, Mediation, Conciliation, Arbitration, Enquiry, Judicial Settlement and Resort to Regional Agencies
- (iii) Negotiation, Enquiry, Mediation, Conciliation, Arbitration, Judicial Settlement and Resort to Regional Agencies
- (iv) Arbitration, Conciliation, Negotiation, Enquiry, Mediation, Judicial Settlement and Resort to Regional Agencies

H. Match of the Following:

Column - I

Column - II

- | | | |
|-----------------|---|--|
| (a) Article 22 | - | 1. Immunities and Privileges of the United Nations Organisation and its Members |
| (b) Article 51 | - | 2. Subsidiary Organs |
| (c) Article 105 | - | 3. Power of the General Assembly to expel the Members from the United Nations Organisation |
| (d) Article 6 | - | 4. Collective Self-Defence |

- (i) (a) - 4, (b) - 3, (c) - 2, (d) - 1
- (ii) (a) - 3, (b) - 4, (c) - 2, (d) - 1
- (iii) (a) - 2, (b) - 4, (c) - 1, (d) - 3
- (iv) (a) - 1, (b) - 2, (c) - 3, (d) - 4

I. **Assertion (A):** Regional Arrangements are qualified as international person in international law

Reason (R) : United Nations Charter authorises principal organ to establish subsidiary organs for the performance of its functions.

- (i) Both (A) and (R) are true and (R) is correct explanation of (A)
- (ii) Both (A) and (R) are true, but (R) is not correct explanation of (A)
- (iii) (A) is true, but (R) is false
- (iv) (A) is false, but (R) is true

J. ICSID stands

- (i) International Centre for Investment Disputes
- (ii) International Commission for Investment Disputes
- (iii) International Court on Investment Disputes
- (iv) International Chamber of Investment Disputes

PART-B (4 X 8 = 32 Marks)

Answer FOUR of the following questions in about 800 words each in that Question No. 2 is compulsory. Each question carries equal marks:

2. A. (i) Due to Civil war state 'A' became totally disintegrated and several new states came into existence. State 'A' had earlier entered into a treaty with respect to its boundary with state 'B' and 'C'. Two of the five newly independent states claim that they are not bound by the treaty entered by the predecessor state 'A'. Decide.
- (ii) A ship by name 'Enrica Lexie' belonging to state 'R' was sailing about 22 nautical miles from the coastal state 'S'. On the suspicion that they were pirates, two fisherman were killed off the coast of State 'S'. Later the crew members of ship 'R' who were the nationals of State 'R' were prosecuted in State 'S'. State 'R' to protect its national protests that state 'S' has no jurisdiction to confiscate the ship and prosecute the crew. Is it sustainable? Decide.

(OR)

- B. (i) 'A' a national of United States of America having domicile in Chile committed a Crime in Australia. Australia arrested and tried him for the offences committed by him in accordance with the criminal legislations in Australia. The United States of America contended that the offender being a political emissary of United States of America, Australia cannot try such offences and that 'A' should be handed over to United States of America. There exists no extradition treaty between them. Is the United States of America's claim is sustainable? Decide.

(ii) Comment upon *Barcelona Traction, Light, and Power Company Limited*, 1970 I.C.J. Rep. 1.

3. The doctrine of sources has been the principal instrument for providing objective standards of legal validation. Analyse this statement by referring various sources of international law with relevant judicial decisions.
4. "The Recognition is founded upon the will and intent of the state that is extending the recognition." Examine this statement by referring various theories of state recognition and the legal effects of the state recognition.
5. "Every international wrongful act of a state entails international responsibility of that state." Evaluate this statement by referring to relevant judicial precedent on transboundary pollution.
6. "Power to veto by the Permanent Members of the United Nations must be in accordance with the principle of good faith and fairly exercised in conformity with spirit of law". Critically evaluate this statement by referring to the power and functions of the United Nations Security Council with the help of relevant provisions of the United Nations Charter.
7. Withdrawal from the regional organization membership would deteriorate the purpose and object to which they have consented. Examine this statement by referring to Brexit and its economic and political implications for Great Britain.

PART – C (4 X 2 = 8 Marks)

Answer any FOUR of the following not exceeding 50 words each.

8. A. Distinguish Public International Law and Private International Law
 - B. Double Nationality
 - C. Extra Territorial Asylum
 - D. Five Freedoms of Air
 - E. Expropriation
 - F. Domestic Jurisdiction
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year - Sixth Semester, End-Semester Examinations (Even-Semester), May 2019

INTELLECTUAL PROPERTY LAW

Time: 2½ Hours

Maximum Marks: 50

Instructions:

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

Part – A (2 X 10 = 20 Marks)

Answer ANY TWO the following questions:

1. During the 1980s, a young chef from Trichy named 'Gemini Sundaram' created a recipe for making the perfect blend of coffee. He decided to market it, under the brand name "Gemini Coffee" and it grew to be the most famous coffee around the world. He kept the process of making the perfect blend as a secret. Recently, in a party, Sundaram got drunk and blurted out his secret recipe to anyone who was willing to listen, boasting as to how he made his fortune on the basis of the recipe. Next morning, Nambiar, who overheard Sundaram's drunk talk in the party, launched his own company, with the same recipe, and pursued it with the tagline, "The same as the Gemini, but sober!". He also applied for trademark registration for the tagline. Aggrieved by the above, Gemini Sundaram sued Nambiar before the district court for violation of his trade secret and trademark disparagement. Decide.
2. Meera is a famous 'Classical singer' and 'Veena player' known for composing her own lyrics and tunes. She has been awarded a lot of national and international honours in the field of music. One evening she decided to sit in the public park near her home amidst the beauty of nature and played one of her new composition that she was yet to perform on any stage. As she sang and played her tune with veena sitting under the tree, unknown to her, there was a film shooting going on in the same park. The film was being shot and the actors were engaged, and the camera and the microphones could pick up the tune that she composed and her singing quite clearly, but since she (Meera) was not the subject of the shooting, the camera was facing away from her thereby not

showing her face. When the film released, Meera with her family went to a nearby theatre to watch the movie, during the course of the movie, she realised it was her song and her tune, which was clearly audible in the film as a background score. She became furious and decided to sue the infringers for violating her rights over the tune and the song, for using it without her permission. Meera seeks your legal opinion. Advice.

3. In 2014, Lannister, a very famous scientist from the United States, visited India on a cultural tour along with his family members. His daughter Alice who is an upcoming fashion designer was very much interested to visit tribal areas of Chhattisgarh and Jharkhand, to take note of tribal culture, lifestyle, arts and religious practices. During their visit to tribal areas, one of the accompanying family members of Lannister was bitten by a poisonous snake. Immediately, the native tribes of the state of Chhattisgarh treated that person with local herbs and in a few hours, he got cured. Amazed by the traditional medical practices of the tribes, Lannister had a discussion with the elders of the tribe and thanked them for their timely help. During the discussion, he came to know about the fact that, the local herb will be effective only if it been used within half an hour from a snake bite and it cannot be used for all snake bites. While leaving after the tour, the tribal people gifted him with various local herbs which were used for the treatment of different snake bites. After his return to the United States, Lannister did tremendous research on local herbs he brought from India and invented a drug which acts a cure to all poisonous snake bite and it will be effective upon patient till two hours from a snake bite. He patented the drug in the United States and applied for patents in other countries through PCT including India. Upon publication of his patent application by the Indian Patent Office, an NGO named 'Green Tree' known for protecting tribal rights in India got outraged on a fact that there was no mention of tribes of Chhattisgarh in the patent application. On further investigation, they found that his daughter Alice used the tribal arts which she collected from India for her fashion products and eventually become a successful fashion designer in the United States. 'Green Tree' seeks your legal opinion. Advice.

Part – B (3 X 10 = 30 Marks)

Answer ANY THREE the following questions in not less than 800 words:

4. *“Innovation and creativity are the engines of human progress. By innovation, we mean new products or new ways of doing things, and by creativity we mean new forms of original artistic expression as portrayed, for example, in songs, books, pictures, films and other, emerging media. And today new innovations and forms of artistic expression are transforming our lives at an unprecedented rate. All the products that we enjoy today are the result of years of research and development, experimentation and invention. They are all effectively*

creations of the human mind.” In this context, define the term ‘Intellectual Property’ and critically analyse the reason for requiring different standards of creativity for providing legal protection to different types of intellectual property under various international treaties and national legislations?

5. Is copyright a ‘natural right’? Does photocopying of copyrighted works for an educational purpose constitute fair use? Critically analyse the concept of fair dealing under copyright law in the light of decided cases.
 6. What is a design? State the criteria for registration of design and analyse in detail the overlap between copyright and designs.
 7. What constitute infringement of a trade mark? Examine the difference between infringement and passing off action in trade mark in the light of decided cases.
 8. Explain in detail the criteria for registration of a ‘variety’ and critically analyse the rights of farmer and breeder under the “Protection of Plant Varieties and Farmers’ Rights Act, 2001”?
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B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Third Year – Sixth Semester, End-Semester Examinations (Even-Semester), May 2019

LAW OF EVIDENCE

Time: 2½ Hours

Maximum Marks: 50

Instruction:

All Questions are **COMPULSORY**. Cite relevant Section(s), Clause(s), Explanation(s), Illustration(s), Case Law(s), if any follow IRAC Method Wherever applicable.

PART – A (5 X 5 = 25 Marks)

Answer the following questions:

1. Explain in detail the provisions regarding the privileged communications under the Indian Evidence Act, 1872.
2. Explain primary evidence and secondary evidence .When a secondary evidence is admissible.
3. Discuss the relevant provisions of the Indian Evidence Act, 1872 which are intended to protect a witness against improper cross examination.
4. Define estoppel and discuss various types of estoppels under law of evidence.
5. State the exceptions to the rule that opinion evidence is not admissible in evidence.

PART – B (5 X 5 = 25 Marks)

Answer the following questions:

6. A, a Client said to B, an Advocate, “I have killed C. I request you to defend me”. Is this a Privileged Communication?
7. On January 1, 2019, A was murdered at Salem around 10 AM. Nobody was accused as the murderer by anyone. Subsequently, around 11 AM B, a Sub-Inspector of Police visited the scene of crime for conducting necessary investigation. During the course of his investigation, C approached him and said, “I have murdered A”. Discuss the validity of statement given by C.
8. A intentionally and falsely leads B to believe that certain Bungalow belongs to A, and thereby induces B to buy and pay for it. The Bungalow afterwards becomes the property of A. Now, A seeks to set aside the ‘Sale’ on the ground that, at the time ‘Sale’, he had no ‘Title’. Decide.

9. A contract, in writing, with B for the delivery of Indigo upon certain terms. The contract mentions the fact that B had paid A the price of other Indigo contracted for verbally on another occasion. Oral Evidence is offered that no payment was made for the other Indigo. Is the Evidence admissible? Decide.
10. A is a widow of B. Two months after the death of B, she married C. Five months after the marriage, a daughter C is born to A. Who is the Legitimate Father of A? Decide.
-

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

Fourth Year - Eighth Semester, End-Semester Examinations (Even-Semester), May 2019

ENVIRONMENTAL LAW

Time: 2½ Hours

Maximum Marks: 50

Answer the following questions:

1. The Environmental Jurisprudence could be a philosophy of law and human governance that supported the concept that humans are just one part of the wider community of beings which the welfare of every member of that community depends on the welfare of the surroundings as a full. Discuss the role played by M.C.Mehta through his public interest litigations in developing environmental jurisprudence in India. **(10 Marks)**
2. Bring out the significance of “Environmental Clearance” under the Environment (Protection) Act, 1986 with the help of *Sterlite Industries (India) Ltd. Vs Union of India & Others* and the Chennai-Salem Eight-Lane Greenfield Expressway Project. **(10 Marks)**
3. **Answer any FOUR of the following (4 X 5 = 20 Marks):**
 - (a) Doctrine of Public Trust.
 - (b) Hunting of Wild animals is prohibited under Wildlife (Protection) Act, 1972. Comment.
 - (c) Explain the significant features of Public Liability Insurance Act, 1991.
 - (d) Environmental Impact Assessment.
 - (e) Authorities established under Disaster Management Act, 2005.
 - (f) Powers and functions of Central Pollution Control Board.
4. **Answer any FIVE of the following (5 X 2 = 10 Marks):**
 - (a) Define ‘Air Pollutant’.
 - (b) Bring out the difference between Reserved Forest and Protected Forest.
 - (c) Indian Council for Enviro Legal Action & Others Vs Union of India & Others
 - (d) Definition of ‘Disaster’.
 - (e) T.N.Godavarman Tirumalpad Vs Union of India.
 - (f) NEERI
 - (g) Experimentation of Animals under the Prevention of Cruelty to Animals Act, 1960.

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

Fourth Year - Eighth Semester, End-Semester Examinations (Even-Semester), May 2019

COMPETITION LAW

Time: 2½ Hours

Maximum Marks: 50

Instructions:

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

PART-A (4 X 9 = 36 Marks)

Answer ALL the Questions:

1. *"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 *Constitution of India, 1950*, the *Indian Contract Act, 1872*, and the *Competition Act, 2002*.
2. *NG Ltd. and SMA Ltd. dealing in organic foods and beverages respectively have entered into a joint venture arrangement to promote the sale of their products. A complaint has been received by the Competition Commission of India (CCI) stating that the arrangement between the two is anti-competitive and against the interests of others in the market. Explain in detail the relevant factors which the CCI has to take into consideration to determine whether the agreement in question will have any appreciable adverse effect on competition in the market.*
3. *"Agreements which may otherwise be lawful and enforceable under the general law – such as the Indian Contract Act, 1872 – may still be anti-competitive and fall foul of Section 3 of the Competition Act, 2002. Similarly, a practice or conduct which may be considered as an abuse under Section 4 of the Competition Act may otherwise, but for the said provision be legitimate under the general law. Equally, mergers and amalgamations that are permissible*

under the general law may result in aggregation of market power that may not be permitted under the Competition Act.” (emphasis added). In light of these observations by the Delhi High Court in *Telefonaktiebolaget LM Ericsson (PUBL) vs. CCI and Another* [W.P.(C) 464/2014 & CM Nos.911/2014 & 915/2014],

- 3.1 Briefly explain the interplay between Competition Law and Intellectual Property Laws;
 - 3.2 What happens when there is a conflict between the provisions of the *Competition Act, 2002* and any other legislation? and
 - 3.3 Under the framework of the Competition Act, whether High Courts can interfere in competition disputes?
4. CCI has received information that ‘*SUBMAN*’ has been abusing its dominant position in the fast food chain industry. The information also alleges that the “*Franchise Agreements*” between ‘*SUBMAN*’ and its retailers contain many unfair terms and conditions and therefore anti-competitive. ‘*SUBMAN International*’ owns the proprietary system for establishing and operating restaurants featuring sandwiches and salads all over the world. ‘*SUBMAN India*’ by virtue of a sub-license issued by ‘*SUBMAN International*’ is engaged in the business of franchising of ‘*SUBMAN*’ stores which prepare and sell submarine sandwiches and salads from retail outlets in India. Some of the clauses in the “*Franchise Agreement*” between ‘*SUBMAN India*’ and retailers are as follows:
- a. “The retailers shall purchase all food, equipment, beverages and other products or services which are used in the restaurant exclusively from an approved distribution centre of ‘*SUBMAN India*’ for maintaining identical standards across all the stores. The same includes purchase of only approved carbonated beverages from the authorized distributor.”
 - b. “After the termination of *Franchise Agreement*, for a period of 4 years, the retailers shall not directly/indirectly engage or assist in any sandwich business within five kilometres of any location where a Subman restaurant operates.”

Explain in detail the procedure to be followed and the various factors that will be considered by the CCI to ascertain whether a case has been made out under Sections 3 and 4 of the Competition Act. What orders can the CCI pass on completion of the inquiry?

PART-B (2 X 7 = 14 Marks)

Answer any TWO of the following Questions:

5. “*Mere absence of formal communication alone does not automatically rule out meeting of minds between the parties to the cartel.*” Comment by highlighting whether indirect evidence can be used to prove the existence of cartel under the Indian Competition law?
 6. Discuss the situations where commercial disparagement of goods or services prohibited under law? Are commercial disparagement cases actionable under the anti-trust laws?
 7. **Write the short notes:**
 - 7.1 Joint Dominance. (3½ Marks)
 - 7.2 Compulsory Wait Period. (3½ Marks)
-

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

Fourth Year - Eighth Semester, End-Semester Examinations (Even-Semester), May 2019

COMPARATIVE CONSTITUTIONAL LAW

Time: 2½ Hours

Maximum Marks: 50

Part – A (3 X 12 = 36 Marks)

Answer any THREE of the following questions:

1. South African Constitution Section 39 (1) reads as follows:

“Interpretation of Bill of Rights

(1) When interpreting the Bill of Rights, a court, tribunal or forum —

- a. must promote the values that underlie an open and democratic society based on human dignity, equality and freedom;
- b. must consider international law; and
- c. may consider foreign law ...”

Explain ‘migration of constitutional ideas’ with the help of the above provision and Sujith Choudhury’s arguments on constitutional transformation.

2. Track the reasons for proliferation of Judicial Review (JR) and critically evaluate them. It is argued by many that JR have a democratic pay off. Do you agree with this argument? Substantiate your position.
3. Constitutionalism is treated as a synonym for the legal enforcement of constitutional limits, or perhaps a subset of those limits; it is regarded as a desirable, maybe even a necessary, feature of a constitutional order. Is this a comprehensive view of constitutionalism, if not how would you describe constitutionalism.
4. Explain the principle of subsidiarity, the reasons/rationale for inclusion of the principle in Governance, difficulties/challenges in carrying out the principle of subsidiarity in governance and justiciability of subsidiarity with reference to scope of judicial intervention.

Part – B (2 X 7 = 14 Marks)

Answer any TWO of the following questions:

5. Different legal systems respond differently to emergency situations in nations. Explain how much power should the executive be given and what should be the role of the other branches of government?
6. Do transformative constitutions differ from traditional liberal constitutions? Explain.
7. Conflicting objectives are said to give rise to federal structure of political arrangement. What are they? Portray the existence of such objectives in the backdrop of any federal nation of your choice.

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

Fourth Year - Eighth Semester, End-Semester Examinations (Even-Semester), May 2019

CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY

Time: 2½ Hours

Maximum Marks: 50

PART – A (3 X 12 = 36 Marks)

Answer any THREE of the following questions, answers must be descriptive:

1. Discuss the Psychological School of Criminology with special reference to contribution made by Sigmund Freud.
2. Critically examine the causes of Juvenile Delinquency.
3. "Imprisonment viewed as a form of treatment of offender is paradoxical". Explain.
4. Define the term 'Victim' and discuss various theories related to Victimology.

PART – B (2 X 7= 14 Marks)

Answer ALL the following questions:

5. The accused Aju aged 19 years belongs to a slum area of Mumbai. He advised by one of his friends Shakti that if he kidnaps a child of a rich parent he can get money instantly by ransom from the parent of the child. Accordingly, Aju did the same and he was arrested, prosecuted and found guilty of kidnapping. Discuss the provision relating to release of the convict on probation.
6. Rohit, a boy of fifteen years of age is involved in a gang of robbers consisting of boys of his age and from the same village. One day he followed a lady in dark of the night in order to snatch a gold chain from her neck. While doing so the lady ran fast and met with an accident due to which she died on the way to hospital. Afterwards he was arrested by the local police on the charge of murder. Explain the trial procedure which is to be followed in the case of Rohit with the help of appropriate legal provisions.

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

Fourth Year - Eighth Semester, End-Semester Examinations (Even-Semester), May 2019

CYBER LAW

Time: 2½ Hours

Maximum Marks: 50

Part – A (5 X 1 = 5 Marks)

Answer all the questions in not less than 25 words and not more than 30 words. Each question carries 1 mark:

1. What is the role of CERT
2. Who is an intermediary?
3. What is copyright tagging?
4. What is a computer contaminant?
5. What is digital signature?

PART – B (5 X 7 = 35 Marks)

Answer any FIVE of the following questions:

6. What is a Domain Name? How can a Domain Name be Acquired and explain the relevance of bad faith criteria to domain name registration and cyber squatting.
7. What is E – Commerce? State the importance and necessity of the e-commerce policy and explain the important provisions of the draft National E-commerce Policy 2019.
8. Explain the various types of online copyright Infringement that occur in cyber space.
9. Explain in detail about the various theories put forth by the U.S courts to determine cyber Jurisdiction and its applicability in India?
10. Explain how cybercrime is different form computer contraventions and discuss on the important provisions of the Budapest Convention on Cyber Crime 2000.
11. What are E-contracts? Discuss the different types of E- contract in detail.

PART – C (1 X 10 = 10 Marks)

Answer the Following question based on IRAC method and state the relevant Provisions, Doctrines, Principles, Case laws where ever necessary.

12. Ram and Sarika were childhood friends and were living in the same Neighbourhood in Delhi. Ram used to address her fondly as “Sari”. In 2005 Ram’s Father was transferred to Nainital and after Ram’s Family shifted to Nainital Ram and Sarika lost contact of each other. In 2011 Sarika received a message in Facebook from the Id “anonymous searching sari”. The message stated “Hi, Sari, Finally found you. Missed You like Hell.” .Sarika Though that it was her Friend Ram and sent a friend request to the Id “anonymous searching sari” and both were recalling their childhood memories through FB CHAT. While chatting Sari found out that Ram did not remember most of their childhood stories. Ram replied that he had met with an accident in 2009 and since then he is not able to remember much of his child hood but he remembers the name “Sari”. So that’s how he started to find her through FB with the Id “anonymous searching sari”. Ram also stated that he is under medical treatment and doctors have stated that he will gradually recover his child hood memories. Ram Proposed Sarika and asked her to marry him. After she accepted the proposal Ram and Sarika shared their mobile numbers.

On 23rd December 2011 Sarika received a Sext emoji from Ram and she though was hesitant at first started replying to him and as they were in a relationship she did not mind it. Gradually Ram started asking her to send semi-nude pictures and asked her to video call when she was dressing up. Ram Came to Delhi on 1st January 2012 to meet sarika with his parents and both the families met to decide their engagement date. At that time only sarika came to know that this Ram was not the same Ram but a different person with the name “Ramanarao” who was friend and Class Mate of Ram in Nainital and they both studied together till they completed their graduation. Ram Had mentioned about Sarika to Ramanarao. Ramanarao said he started liking her and wanted to get to know about her. He tried to explain to sarika that he wanted to marry her, his intentions were true and he did not want to deceive her. But sarika called off the engagement despite Ramanarao’s plea to hear him out and feel about his love for her.

Aggrieved by this Ramanarao On 3rd January 2012 posted the sexting images of sarika to a pornographic website and made Tik Tok videos of sarika’s images which Ramanarao has secretly recorded by hacking sarika’s mobile phone and computer. He also posted Sarika’s phone number as “call for pleasure” – sarika 9988754330004 in many websites. She received anonymous calls from various person and she was shocked and traumatised by the calls. More over on 4th January she received a link as a whatsapp message and the

link was to an auction site which had the video a Video featuring Sarika with anonymous person indulging in a sexual activity. Shocked by this sarika called the Delhi Cyber Police cell. In light of the above facts

1. Explain what are the cybercrimes that was committed by Ram @ Ramanarao?
 2. Can Sarika sue the intermediaries for auction of her video, posting of her phone number in their website?
 3. What is the remedy available to Sarika?
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Name :

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year - Eighth Semester, End-Semester Examinations (Even-Semester), May 2019

CLINICAL-II (DRAFTING, PLEADING AND CONVEYANCE)
(including Limitation Act, The Registration Act & The Stamp Act)

Time: 2½ Hours

Maximum Marks: 50

PART – A (2 X 10 = 20 Marks)

Answer TWO questions from this Part:

1. Draft an appropriate Deed incorporating the details furnished by following the principles of Drafting of Deeds.

- a) Vivek is the owner of a house property worth Rs. 80 lakhs located at Malapert, Puducherry, among other properties located in other places also. Vivek is desirous of raising a loan of Rs. 40 Lakhs in connection with the marriage of his daughter Mira. He, therefore, approaches his friend Vijayan and he also agrees to grant the loan amount desired to by Vivek provided Vivek executes a Usufructory Mortgage of his house located in Aruna Nagar, Gandhi Road, Puducherry and which is vacant, in consideration of the loan. Vivek also agrees in this regard. Parties approach you to draw up a Deed of Usufructory Mortgage. Render help to the parties.

(OR)

- b) Mohan, aged 75 years, is residing at Flat No. 1, Ground Floor, 'Amit Residency, located at Mylapore, in Chennai. He has one landed property in Meenambakkam village, Chennai and he has entered into agreement with K. Asokan to sell this property. As Mohan is bed-ridden and not able to move out of his home he desires to grant power to draw up a Sale Deed and to arrange for registration of the same as required by K. Asokan. Draft a suitable Power of Attorney.

2. Draft a suitable pleading incorporating the particulars furnished in accordance with the procedural requirements laid down in Civil Procedure Code.

- a) M. Lakshmi, son of R, Mohan residing, in 'Sivaji complex' at Chembur, Mumbai required a loan amount of Rs. 8 Lakhs to undergo an operation. He approached his friend R. Suresh, and obtained the loan amount of

Rs.8 Lakhs agreeing to repay the same with interest at 12% per annum, and executed a Promissory Note there for on 20.05.2015. Though the amount was borrowed in the year 2015, till date no amount has been paid either towards interest or towards the Principal. Hence, Suresh approaches you now to file an appropriate suit for the recovery of the amount due to hm. Draft an appropriate Plaintiff.

(OR)

b) M/s.Lakshmi Textiles is a Stockist, carrying on a whole sale business in Textiles and supplying the same to the Retailers on credit basis. The Stockist is a Sole Proprietary concern carrying on business at No.10, I Cross Street, Thillai Nagar, Trichy. M/s.Lakshmi Textiles is a Retailer carrying on business at No.10, Main Road, Puthur, Trichy used to place order with the Stockist and purchase textiles of various descriptions on credit basis allowed by the Stockist for further sale in his shop at Puthur. The transactions between the parties were going on for a decade and a sum of Rs.2 Lacs remained unpaid since January 2017. The transaction between them is one of mutual and running account. The Stockist, therefore, approaches you to file a suit against the Retailer for the recovery of the amount due from him. Render professional help and draw a suitable Plaintiff.

PART - B (3 X 10 = 30 Marks)

Answer the following questions (200-400 words):

3. (a) What is the objective of the Law of Limitation and the principles followed for determination of "Sufficient Cause" as mentioned under section 5. Mention relevant case laws.

(b) Famous Publication House is the largest legal publication in the country, and publishes both Bare Acts and books on various subjects of law. Mr.Burikismatwale, an Advocate, was conducting a civil suit pending in a court, to pursue the same; he engaged Mr.Hetmalani, a Senior Lawyer to argue the same. The issue was, that the Bare Acts published by Famous Publication House contained Sections wrongly printed and published which was to determine the limitation period in the case that is being pursued and Mr.Burikismatwale was relying on the same. Although Mr. Hetmalani informed his opinion, and insisted that Mr.Burikismatwale was wrong. But upon the insistence of client, he followed the wrongly published Section despite knowing in his vast experience of the law that the Section was wrongly published. Can this be treated as a 'sufficient cause' for determining the time period under the Limitation Act?

4. (a) What are the days excluded from the computation of limitation, in case of an Appeal and in case of setting aside an Award? Also explain briefly as to what is the effect of Fraud on the computation of Limitation Period?

(b) The plaintiff, Mr.Snape was born on 10-9-1948 and he became a major on 10-9-1969. The application to sue in forma pauper was filed by the plaintiff on 13-9-1972. 10-9-1972 was a Sunday, and 11-9-1972 and the 12-9-1972 were holidays. Applying the law of Limitation and relevant sections, determine if the suit should be entertained by the Court of Law?

5. Write Short notes on any TWO of the following:

- A. Documents that are compulsorily registerable and persons eligible to present documents under the Registration Act.
 - B. Instruments chargeable to duty and exclusions under the provisions of Section 3 of the Indian Stamp Act.
 - C. Classifications of Stamp Paper or Duties.
 - D. Amendments made in The Stamp Act. 1899 in 2019 by Parliament.
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Name :

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year - Tenth Semester, End-Semester Examinations (Even-Semester), May 2019

HEALTH CARE LAWS

Time: 2½ Hours

Maximum Marks: 50

Part – A (3 X 6 = 18 Marks)

Answer any THREE of the following questions:

1. Anwar was a student of Homeopathy medicine system. He was into his 5th year and was pursuing his house surgency in rural Bihar. He was associated with one of the primary health care centres. One day, an old man, around 80 years, comes to the hospital before the duty doctor had come. Hence, Anwar decided to check upon the old man. When he enquired the old man said that he is having really bad heart ache which started from the night. Anwar diagnosed the old man and found that he had normal heartburn or type of Gastric reflux due to having spicy food at the night. Therefore, Anwar prescribed him few homeopathic medicines. But the old man refused to accept these medicines saying he did not want any homeopathic tablets as these take a lot of time to recover and insisted that Anwar should prescribe him few English medicines. Anwar absolutely refused and stated he could not do so. But the old man was in much pain and pleaded him to give some allopathic tablets. Therefore, he gave the old man two tablets - Omeprazole (is used to treat certain stomach and esophagus problems (such as acid reflux, ulcers) by decreasing the amount of acid one's stomach makes) Ranitidine (which is used to treat ulcers of the stomach and intestines and prevent them from coming back after they have healed). Decide if Anwar's actions are legally and ethically in compliance with the Medical laws and ethics?
2. Mr.Sankar and his family live in Kerala. He is a Chartered Accountant by profession and his wife is a chef in a famous Restaurant. They have two children aged 3 and 8 years old. One day, Mr.Sankar receives a call from the school where their children are studying saying that his elder son - Dev is unwell. Mr. Sankar rushes to pick up their son and takes him to the nearby hospital. The hospital runs few tests upon the child and refers the matter to the super specialty hospital called- "Good Health Kidney and Gastric super specialty Hospital". After a kidney biopsy, they deduced that Dev's has left kidney failure due to genetic reasons. Very much disappointed at turn of events, Mr.Sankar

decides to opt for kidney transplant for their son. Mr.Sankar decides that he himself will donate one of his kidneys if the tests went well. Keeping these facts in mind, discuss the validity of organ transplantation under the Transplantation of Human Organs Act as amended by 2011.

3. Mrs.Remya was married to Mr.Arnab in 2014. After trying to conceive and have a child for more than 3 years of marriage, Mrs.Remya conceived triplets as indicated in November, 2018. On 4th November, 2018, they visited the gynecologist and determined that the babies were 6 weeks with strong heartbeats. The gynecologist however prescribed various supplements to boost the babies' growth and asked them to come for their first term scan on 10th December, 2018. Everything was declared to be fine in the first term scan and then the doctor fixed the 2nd term scan in 4th February, 2019. In this scan, it was revealed that one of babies is found to have a small congenital heart anomaly and the gynecologist suggested the termination of one child in order to save the rest of two babies. Decide if this termination of pregnancy for one baby is permissible under the Indian laws on Medical Termination of Pregnancy?
4. Medplus Health Care is a Pharmaceutical retailer outlet located in Lucknow. The owner Mr.Narasimha Pandahad validly acquired permission for the establishment under the Pharmacy Act, 1948 and such other regulations. On 10th April, 2019, one of the customers, got two prescribed medicines - Corex D (A cough syrup) and Amoxilin tablets (An antibiotic for tonsillitis) from their Pharmacy. The customer came back and complained that the cough syrup contained some unidentified dust like particles upon opening and the Amoxilin tablets were broken and brittle. He decided to file a case against the Pharmacy for selling such substandard drugs in the market. Identify the legal provision governing the same under the Drugs and Cosmetics Act, 1940 and also state the relevant legal penalty for selling such drugs in the market.

Part – B (1 X 12 = 12 Marks)
(COMPULSORY QUESTION)

5. Mrs.Sandra Ross, aged 36 years and Mr. Ross, 40 years has been waiting for more than 15 years to conceive their own child. But their fate was so adverse that various doctors continuously affirmed the fact of infertility. Therefore, they decided to go for ART. Their doctor suggested that surrogacy would be the best option for them currently. Hence, they flew down to India from England in search of a surrogate mother. After 2 months of stay in India, they were finally able to find a surrogate mother – Mrs.Priya, aged 32 years and mother of 2 children through a fertility clinic named –“Golden Angels Fertility Clinic, Tiruchirappalli”. As a lawyer for Mrs. Sandra Ross and Mr.Ross, draft a legal agreement of surrogacy between the concerned parties keeping in mind the current and existing laws on surrogacy.

Part – C (4 X 5 = 20 Marks)

Answer any FOUR of the following questions:

6. Explain the Indian position on the laws on assisted suicide.
7. In the case, **United India Insurance v. Jai Prakash Tayal, 2018, Del HC** held that “...*The individual's Right to avail health insurance is an inalienable part of the Right to Healthcare. Health insurance with the exclusion of "genetic disorders" hits at the basic right of an individual to avail of insurance for prevention, diagnosis, management and cure of diseases....*”

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

8. Opine on the dominance of the IPR into the Pharmaceutical sector in India and the complications it created to Indian Generic Industry.
 9. Do you think that The National Health Policy of 2017 envisaged the Universal Health Coverage in a successful manner? If so justify your answer by discussing at least 4 policies laid out.
 10. Explain the importance of Drug Inspectors under the Drugs and Cosmetics Act, 1940. How are they different from the Government Analysts?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year - Tenth Semester, End-Semester Examinations (Even-Semester), May 2019

HUMAN RIGHTS LAW

Time: 2½ Hours

Maximum Marks: 50

PART – A (3 X 5 = 15 Marks)

Answer any THREE of the following questions:

1. Powers and functions of National Human Rights Commission.
2. Role of Security Council in enhancing human rights.
3. 'Progressive realization' of Economic, Social and Cultural Rights.
4. Affirmative action under Article 15 (3) of the Indian Constitution.

PART – B (2 X 10 = 20 Marks)

Answer any TWO of the following questions:

5. Explain characteristic features of different regional human rights systems. In your opinion, which is the strongest regional human rights system? Give reasons to support your answer.
6. What role has the subordinate judiciary played in grass-root level implementation of human rights in India? Has it been more successful in achieving practical results compared to higher judicial bodies?
7. Explain the challenges posed to human rights by terrorism and counter terrorism measures taken by States.

PART – C (3 X 5 = 15 Marks)

Answer ALL the questions:

8. Pike is a multinational corporation and is a leading manufacturer of sports shoes. Pike is incorporated in the US and have subsidiaries in Germany, Singapore, UK and other countries. One of Pike's main manufacturing units is located in India. A leading newspaper in India reported that Pike has been employing child labourers between the age of 10 and 17 in their manufacturing units in India by paying them minimum wages. The newspaper suggests that

over 80% of child labourers employed by Pike have dropped out of school by the age of 14. Pike holds that they have not violated any domestic law as employing child labourers in non-hazardous conditions is permissible under Indian law. Pike notes that the conditions in their units are acceptable.

Children Welfare Organization (CWO), a leading Child Rights NGO in the US, noted that Pike was making undue profit by exploiting cheap labour in developing countries and that Pike should pay compensation to the child labourers and their families.

Do you identify a human rights violation in this case? If yes, what is the best remedy available to the victims? What are the challenges in attaining the same in this particular case?

9. Dora is a minority community in India. The Dora community believes that an adult individual completely becomes a part of their community only when circumcised. This is true for both men and women and circumcision is a ritual within the community. It is also one of the very few groups that practice female circumcision. Majority women within the community undergo circumcision after the age of 18, consensually. However, certain women's rights CSOs appeal to the lawmakers in the country seeking to ban the practice of female circumcision altogether. They suggest that it is a practice that stems in misogyny and need to be criminalized. They also note that there are negative health implications for the same and have quoted various studies by international NGOs and UN Working Groups.

How would you advise the law makers on introducing a legislation on the concerns raised by the CSOs?

10. Mr. Sampat is a 25 year old law graduate who is completely deaf and blind. He aspires to be a civil servant and wants to write UPSC Examination in the year 2020. However, new examination regulations suggest that only a person below 50% disability would be eligible to write the exam. Mr. Sampat decides to challenge the particular regulation before the Supreme Court along with other PWD candidates. Decide whether the new regulation is discriminatory or whether the eligibility criteria is justified.

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

Fifth Year - Tenth Semester, End-Semester Examinations (Even-Semester), May 2019

INTERNATIONAL AIR AND SPACE LAW

Time: 2½ Hours

Maximum Marks: 50

Answer any FIVE of the following questions with not more than 350 words each:

1. The neighbouring states of Floyd and Zeppelin have always had military tensions between them. In the year 1965, the military hostilities got intense as there was use of weapons on both sides of the border. Consequently, Floyd released an official statement vide its laws that declared *suspension of all the treaties and agreements to which the two states were party, indefinitely*. The countries managed to reach a truce in 1965 but the “two documents”, the Chicago Convention 1944 and Air Transit Agreement 1944 were never restored. The air services between the two countries were now governed by a *Special Agreement* which enabled both the countries to withdraw each other’s rights to air transit over their territory. Floyd refused to revive the “two documents” on the same ground. The Special Agreement allowed only non-scheduled state aircrafts from Zeppelin. In 1970, one of the Floyd’s state aircrafts was hijacked by a few terrorists who held Zeppelinian nationality. They forced the pilots at gunpoint to direct the plane to Zappa (the capital city of Zeppelin) International Airport.

Floyd requested Zeppelin the same afternoon for the immediate release of the passengers, crew, cargo, baggage and mail as well as the aircraft but in vain. At about 1530 hours the plane was seen exploding at the Zappa Airport in the presence of airport as well as security personnel. All the passengers, crew and the terrorists died in the explosion. Outraged by this incident, Floyd immediately claimed damages for the loss of life, cargo and baggage which received no response from the other state. As a result, it called for an immediate withdrawal of the Special Agreement cancelling permissions for any and all kinds of flight from Zeppelin. In January 1972, Zeppelin applied to the Council of ICAO alleging that the Floyd’s refusal to their right to flight over its territory is actionable under the Transit Agreement. However, Floyd contended that the power of the Council extends only to disagreements of the state parties about the interpretation and application of the “two documents” and not to any dispute or disagreement relating to the termination or suspension of the

Convention or the Transit Agreement by one State vis-à-vis another State. Therefore, it had no jurisdiction in this matter.

Do you concur with Floyd? Decide. **(10 Marks)**

2. Elaborate the norms governing carrier liability to a passenger in case of bodily injury or death under the Warsaw Convention 1929. What change did the Montreal Convention bring to the carrier liability with respect to *wilful misconduct* of the carrier? Explain with the help of decided cases. **(5 + 5 Marks)**
3. The Liability Convention 1972 (LC) has been the only major document with respect to disputes regarding outer space activities and issues of jurisdiction among nations. Its 1967 predecessor attempted to lay down obligations without any enforcement mechanism. Do you believe that LC succeeded in doing so? In the light of your answer, critically analyse the dispute resolution mechanism in outer space laws. **(10 Marks)**
4. The recent space ventures of the eastern countries have added to the issue of environmental degradation of outer space and have been criticized globally for violating the customary international law as well as the principles envisaged in the binding instruments governing human activities in outer space. Do you agree with this statement? Explain. What are the state obligations vis-à-vis environmental protections of outer space under the Moon Agreement 1979? **(10 Marks)**
5. What are the key reasons for having nationality of aircrafts? Discuss the provisions of Chicago Convention, 1944 on the nationality of aircraft. **(3 + 7 Marks)**
6. *The use of nuclear power sources in outer space is a necessary evil*- Comment with the help of established legal framework. **(10 Marks)**
7. **Answer any TWO of the following questions (2 X 5 = 10 Marks):**
 - a. Deregulation of Aviation.
 - b. *Province v. Heritage* Debate vis-à-vis legal status of moon and other celestial bodies.
 - c. IP rights in outer space.
 - d. Acts of aggression against civil aircrafts and the role of Chicago Convention.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year - Tenth Semester, End-Semester Examinations (Even-Semester), May 2019

INTERNATIONAL REFUGEE LAW

Time: 2½ Hours

Maximum Marks: 50

Answer any FOUR of the following questions (4 X 12½ = 50 Marks):

1. Briefly describe the reasons for South Asian countries to not accede to the Refugee Convention, 1951. At least three members from South Asian region are present on the Executive Committee (EXCOM) of the UNHCR even without being parties to the international instruments. What does this development indicate? How do the countries in the South Asian region determine the status of refugees given the fact that have not established any administrative or quasi-judicial bodies to determine the status of refugees?
2. The framing of law on refugee protection can be done in three ways: by acceding to international refugee instruments, by developing a regional instrument for South Asia and/or by framing national legislations. Given the fact that there is little hope for South Asian countries to be joining the 1951 Convention in the near future, outline the challenges that the other two mode of refugee protection is facing in South Asia? Which of these two modes – regional framework or national legislation – do you think is more suitable for states in South Asia and why?
3. The Right to grant Asylum to someone seeking protection has always been at the discretion of the host state. And the recent developments, primarily the Julian Assange case, suggests that persons granted asylum by sovereign states are always at the risk of being left without any protection and ejected from the host state. In such a scenario, write a note on the evolving concept of Constitutional Right to Asylum. What do you think are the merits and demerits of incorporating such a right in the national Constitutions of nation-states?
4. Right to Life & Family Reunification has been a hallmark of refugee protection regime in Europe as it is enshrined under Article 8 of the European Convention on Human Rights. However, the 'elsewhere approach' taken by the ECHR has been defeating the purpose of Article 8 of the Convention. Write a short note on the developments taking place in Europe which threaten the doctrine of family reunification citing relevant case laws.

5. One of the unfortunate developments that have taken place in the field of protection of refugees is Securitization. Briefly describe how securitizing actors are setting the agenda for the future protection regimes for refugees. What are the most prominent allegations that European actors are making in the process and how are the consequences of securitisation having a bearing on refugees in and around their native states. What, in your opinion, are the gendered implications of securitization?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year - Tenth Semester, End-Semester Examinations (Even-Semester), May 2019

BIOTECHNOLOGY, GMOS AND THE LAW

Time: 2½ Hours

Maximum Marks: 50

Answer the following questions:

1. Brinjal or baingan, known as eggplant is often described as a poor man's vegetable because it is popular amongst small-scale farmers and low income consumers. Despite its moratorium in 2010, the lab reports of the National Bureau of Plant Genetic Resources (NBPGR) confirmed the samples collected from Haryana farmers tested positive, confirming the traits of Bt brinjal in April, 2019. In view of this, discuss the series of events which took place in India from the development of Bt brinjal to its initial approval by the Genetic Engineering Appraisal Committee (GEAC) and to the declaration of a moratorium. **(10 Marks)**
2. The Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) and the Convention on Biological Diversity (CBD) both attempt to legislate some form of intellectual property and technology transfer, the Agreement appear to provide contradictory prescriptions for the control over genetic resources and biodiversity. With this backdrop, trace the developments that lead to TRIPS and the challenges faced by various stakeholders in the implementation of CBD. **(10 Marks)**
3. The introduction of GM foods in the world market raised huge public concern in respect of human health, legal, social, ethical and other environmental issues. Moreover, there is a concern that the introduced novel gene into foods shall create unexpected changes and negative impact on consumer health. In view of this, discuss the scope of liability in terms of legislative and institutional developments in relation to GM food and derivatives under the Food Safety and Standards Act, 2006. **(10 Marks)**

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

- a) *Association for Molecular Pathology v. Myriad Genetics.*
 - b) Safety Assessment and Safety Regulation.
 - c) *Aruna Rodrigues v. Union of India.*
 - d) GM Food Labelling in India.
 - e) Transboundary Environment Harm and State Responsibility.
 - f) Development of Institutions regulating GM crops in India.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year - Tenth Semester, End-Semester Examinations (Even-Semester), May 2019

REGULATION OF THE PROFESSIONAL SPORTS IN INDIA

Time: 2½ Hours

Maximum Marks: 50

PART – A (4 X 5 = 20 Marks)

1. Write a short note on *any FOUR* not exceeding 300 words each:

- a) Doping in Sports and its regulation
- b) Betting in sports(Game of Skill verses Game of Chance)
- c) Court of Arbitration in Sports
- d) Ambush marketing
- e) Nature of sports contracts and determining test
- f) Sports Merchandising and remedy Passing off in sports

PART-B (3 X 10 = 30 Marks)

Explain *any THREE* questions not more than 700 words each:

2. The participants in sporting events might have accepted the risk which are inherent in that sport, but this does not eliminate all duty of care of one participants towards another. The question whether there is breach of such duty will depend upon a variety of circumstances.

In the light of above statement explain the civil liability (negligence) of a sports player in the sport, what is the degree of care is expected of a sport player to another who has voluntarily consented for the same , what would be the factors that determine the standard of care in such cases *via-vis volenti non fit injuria*.

3. Recent times has witnessed huge inflow of money in sports, now sports is not only a medium of recreation but it has become a product for the market. With the commercialization of sport, there is need to protect the interest of companies who are investing in sports. IPR plays a pivotal role in protection of commercial interest of the commercial firms.

In the light of this statement discuss the role of various IP Laws in the protection of commercial interest of firms in sports activities.

4. No sport can be owned as there is no property in sporting spectacle. In case of live broadcasting of a sports event what are the rights are available to the broadcaster, what are the limitation over the its right? To what extent, news reporting and sport reporting can use excerpt of a lively broadcasted a sports event? What are deference available to news reporters, discuss it along with case laws.
 5. Critically discuss the role of the State and judicial intervention in governance of Sports in India. To what extent judicial intervention should be allowed in sports; opine, along with the case laws.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year - Tenth Semester, End-Semester Examinations (Even-Semester), May 2019

INTERNATIONAL CRIMINAL LAW

Time: 2½ Hours

Maximum Marks: 50

Part-A (5 X 10 = 50 Marks)

Answer any FIVE of the following questions:

1. Describe how the idea of Genocide evolved in International Law. Despite not being recognized as a separate legal crime at the Nuremberg trials, how was Genocide added to the body of international law? Discuss about the mental element of genocide that contains two separate elements.
2. The definition of Crimes Against Humanity in Rome Statute talks about acts when committed as part of a widespread or systematic attack directed against any civilian population. Outline what 'widespread' and 'systematic' mean in this definition. Why does Prof. Cherif Bassiouni repeatedly point to the need for a specialized convention on crimes against humanity? What purpose will a separate legal instrument on CAH serve in 21st century?
3. Outline the fundamental principles of International Humanitarian Law. Discuss the nexus between War Crimes and International Humanitarian Law. Do all violations of laws or customs of war constitute War Crimes? State some of the sources of War Crimes in International Humanitarian Law? Is the destruction of cultural property a war crime?
4. How do you rate hybrid and internationalized criminal tribunals and courts in the international criminal justice system? Do you think they can present themselves as a viable alternative to the ICC? Does the hybrid criminal adjudicatory system face any threat from strengthening of domestic prosecutions for international crimes?
5. Superior/Command Responsibility is one of the most misunderstood doctrines in international law. Some believe that it is a form of objective liability while others believe that it is a form of contributory liability (arising out of complicity

in the crime). Write a short note on the doctrine of Superior/Command Responsibility. Is the threshold for “should have known” greater for military commanders than civilian superiors? Do both of them hold same degree of liability under the doctrine of Superior/Command Responsibility?

6. How do you think will the future of international criminal justice system look like one or two decades down the line? What role does ICC has to play in the future of international criminal law given the fact that the Global North remains committed to not become a party to the Rome Statute and the African states have increasingly been withdrawing from the body. Is the downfall of ICC in the coming years a welcome trend and in line with the foundational objectives of the ICC?
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B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year - Tenth Semester / Fourth Year - Eighth Semester,
End-Semester Examinations (Even-Semester), May 2019

INTERNATIONAL COMMERCIAL ARBITRATION

Time: 2½ Hours

Maximum Marks: 50

Part – A (5 X 8 = 40 Marks)

Answer any FIVE of the following questions:

1. What were the achievements of the New York Convention, and the principle features that distinguished it?
2. Discuss in detail the Delocalisation Debate.
3. Discuss the significance of the *BALCO v. KAISER (I)* (Civ App 3678 of 2007 (6 September 2012)), drawing inferences from relevant articles in international conventions and Indian Laws and previous judgements on the matter.
4. Discuss the theories surrounding the joinder of third parties to an arbitration agreement and opine on the most suitable theory.
5. What are the grounds of setting aside an Award made by an arbitral Tribunal? Discuss.
6. Discuss the principle of *kompetenz kompetenz*. Analyse it.

PART-B (2 X 5 = 10 Marks)

Write short notes on any TWO of the following:

7. Discuss the essentials of an Arbitration Agreement, and enunciate the different kinds of agreements.
8. Requirements of a valid Agreement, what are the defects in clauses of an Arbitration agreement.
9. Discuss the relationship between Anti- trust Laws and Arbitration.
10. Seat of Arbitration. Mention any relevant Cases.
11. Jan Paulsen said, "International Arbitration is not Arbitration." Explain.
12. Discuss any one of the following cases:
 - a. *Laker v FLS Aerospace (QBD Comm Ct (Rix J) 20 Apr 1999)*
 - b. *Fiona v Privalov* [2007] UKHL 40

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year - Tenth Semester / Fourth Year - Eighth Semester,
End-Semester Examinations (Even-Semester), May 2019

CORPORATE FINANCE LAW

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

Time: 2½ Hours

Maximum Marks: 50

Instruction:

This is an open book examination. Corporate Laws and SEBI Manuals without any printed notes on case laws added by publisher, Acts, Rules, Regulations, By-Laws, Circulars, Notifications, Law Review articles, full text of the judgments may be carried to the examination hall. Class notes, handwritten or photocopy and text or reference book(s) shall not be allowed.

Answer ALL the following questions:

1. Critically comment on the regulatory model in India as regards primary market transactions with a special reference to informed consent of the investors. (10 Marks)

(OR)

Critically comment on Sahara India Real Estate Corporation Ltd. & Ors. v. Securities and Exchange Board of India & Anr., Civil Appeal No. 9813 of 2011 with Civil Appeal No. 9833 of 2011, Supreme Court of India. (10 Marks)

2. Ponni Acqua Ltd. (PAL) had filed draft offer document with SEBI to issue equity shares. The objective of the company is to start water purification and bottling plant in Trichy. In the meanwhile, due to alarming level of ground water depletion, the State has passed a new law prohibiting extraction of ground water by companies such as PAL. Hence, PAL is compelled to change its objective and accordingly, PAL altered its MoA. PAL intends to use the proceeds of the issue to further the new objectives added to the MoA. Can PAL continue with the issue process and allot shares to the subscribers? Is there any procedure to be complied by PAL? (5 Marks)

3. ULNNT Ltd. proposes to issue equity shares to raise INR 500 Crores. The company was cautioned about the present market conditions and that the company may not get the minimum subscription and that the company shall not proceed with the issue of securities in case the minimum subscription is not received. Advise the company to manage the risk of not getting minimum subscription. **(5 Marks)**
4. TPJ Ltd. was started by a group of very energetic youngsters about 3 ½ of years ago. At the time of initial financing for the company, Sidtanoj, a HNI, who invested a sum of INR 3 Crores in the venture and who got 3 crores of shares issued by the company, had negotiated for exit through the IPO at the end of 4 years from the date of investment. The said agreement also requires other investors to take the shares from Sidtanoj in case the exit through IPO was unsuccessful. As on date the company has a net tangible asset of 3 crores. Of these 3 crores, 1.75 crores are held in monetary assets. The draft offer document sent by the company to SEBI proposing IPO has offer of all shares by Sidtanoj and fresh issue of shares for raising a sum of INR 500 crores to public.
- 4.1. Assume that you are Law Officer of SEBI and comment if TPJ Ltd. can go ahead with the IPO. **(5 Marks)**
- 4.2. Assume that SEBI has decided that TPJ Ltd is not eligible for making a composite IPO as planned. The Company seeks your advice about its eligibility to make a composite IPO. In case the composite issue is not possible as per the existing regulations, Sidtanoj is keen to exit through IPO for unlocking the best return possible for the initial investment of 3 crores. Provide a suitable IPO strategy compliant with the existing regulations and which shall be beneficial to the issuer and Sidtanoj. **(10 Marks)**
5. Ariyalur Cement Co. Ltd. proposes to issue convertible debentures to public. Accordingly, it has prepared a draft offer document to be sent to SEBI. However, the issuer is not sure whether or not a debenture trustee shall be appointed for the issue. You are the merchant banker and you have been approached for opinion. Please advice. **(5 Marks)**
6. **Write short notes on the following:**
- 6.1. Perfection of charge **(5 Marks)**
- 6.2. Record date **(5 Marks)**
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