

Total No. of printed pages = 6

19 (3-V) LBIL (I) 5.1

2013

LABOUR AND INDUSTRIAL LAW – I

Paper : 5.1

Full Marks – 80

Time – Three hours

The figures in the margin indicate full marks
for the questions.

PART - A

(Compulsory)

1. Fill in the blanks with appropriate answer :

1×10=10

- (a) Labour rights have been integral to the social and ——— development since the industrial revolution. (economic / political)
- (b) International Labour Organisation (ILO) was established as an agency of the League of ——— following the Treaty of Versailles, which ended World War I. (Nations / Western countries)

[Turn over

- (c) 'Closure' under Industrial Disputes Act, 1947 means the — closing down of a place of employment or part thereof. (permanent / temporary)
- (d) Agreement between the members of a registered trade union are not void or voidable merely on the ground that any of the objects of the agreement are in restraint of —. (trade / employment / contract of employment)
- (e) Adolescent under the Minimum Wages Act, 1948 means a person who has completed his fifteenth year of age but not completed his — year. (fifteenth / seventeenth / eighteenth)
- (f) An employer is not liable to pay any compensation in case of any injury which does not result in total or partial disablement of a workman for a period exceeding —. (seven days / three days / one month)
- (g) 'Industrial establishment or undertaking' under the Industrial Disputes Act, 1947 means an establishment or undertaking in which any — is carried on. (industry / manufacturing process)

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- (h) 'Controlled industry' under the Industrial Disputes Act, 1947 means any industry the control of which by the Union has been declared by any Central Act to be expedient in the —. (national interest / public interest / interest of the women and children)
- (i) 'Unfair labour practice' means any of the practices specified in the — Schedule in the Industrial Disputes Act, 1947. (7th / 12th / 5th)
- (j) A person shall not be qualified for appointment as the presiding officer of a National Tribunal unless he is, or has been, a Judge of a —. (Supreme Court / High Court)

PART - B (Compulsory)

2. Write short answer : 5×2=10
- (a) Definition of Trade Union under the Trade Unions Act, 1926.
- (b) Distinguish between a Factory and an Industry.
- (c) What is Manufacturing Process ?
- (d) Who is called the 'occupier of a factory' ? What are his responsibilities ?
- (e) What is 'Works Committee' ?

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[Turn over

PART - C

Marks - $12 \times 5 = 60$

3. (a) Briefly discuss the powers and functions of the Registrar under the Trade Unions Act, 1926.

(b) What is Labour Court? What are the matters that can be adjudicated in the Labour Court? Does the Labour Court have original jurisdiction to try a dispute?

Or

Discuss the nature and extent of immunity from criminal conspiracy available to members and office bearers of registered trade unions under the Trade Unions Act, 1926. What is 'civil immunity' available to the workers under S. 18 of the Trade Unions Act, 1926?

4. (a) Define Retrenchment. Discuss the provisions relating to retrenchment compensation under the Industrial Disputes Act, 1947.

(b) Distinguish between 'lock out' and 'closure' under the Industrial Disputes Act, 1947.

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1200

Or

Briefly enumerate the tests laid down by the Supreme Court in Bangalore Water Supply and Sewerage Board Vs. A. Rajappa (AIR 1978 S.C. 548) for determining whether an activity in question is an 'industry' under section 2(j) of the Industrial Disputes Act, 1947.

5. (a) Discuss the provisions relating to safety and Welfare of Workers under the Factories Act, 1948.

(b) What are the provisions relating to employment of children and young person in a factory?

6. (a) What are the different kinds of disabilities recognized under the Workmen's Compensation Act, 1923?

(b) What are the defences that are available to an employer against the claim of compensation by an injured person under the Workmen's Compensation Act, 1923?

Or

What do you mean by the term 'wage' as defined under the Minimum Wages Act,

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[Turn over

1948 ? Who fixes minimum wage ? What is the procedure for fixation of minimum wage ? Can the minimum wage once fixed be revised ? If so, who ? What are its procedure ?

7. Discuss the salient features of the Assam Shops and Establishment Act, 1961. What are the powers and functions of Inspector under the Act ?

Or

Analyse the provisions of employment of children and women under the Assam Shops and Establishment Act, 1961 ? Are these provisions different from the provisions in the Factories Act, 1948 ?

Total No. of printed pages = 4

19 (3-V) CPLW 5.2

2013

COMPANY LAW

Paper : 5.2

Full Marks – 80

Time – Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks : 1×10=10
- (i) Partnership is governed by the Indian Partnership Act, _____. (1956 / 1932)
 - (ii) Registration of a company is _____. (compulsory / optional).
 - (iii) Share _____ a nominal value. (has / has not).
 - (iv) According to Companies Act, every public company must have at least _____ directors. (two / three)

(v) 'Debenture' means a ——— which either creates a debt or acknowledges it. (document / statement)

(vi) The person appointed for administering the assets and liabilities is called ——— (creditor / liquidator).

(vii) Promoter is neither trustee nor ——— of the company. (agent / member)

(viii) Articles of Association contains rules and regulations as to ——— management of the company. (external / internal)

(ix) Charge may be of ——— kinds. (two / three)

(x) Auditors are appointed by the ——— in its annual general meeting. (company / Government)

2. Write short notes on : $2 \times 5 = 10$

- (i) Prospectus
- (ii) Official Liquidator
- (iii) Directors of a company
- (iv) Floating charge
- (v) Doctrine of Ultra-Vires.

3. "A company has a legal and separate entity of its own". Discuss. 12

Or

Give a brief history of Company Law in India. 12

4. Explain the doctrine of Constructive Notice and Indoor Management. State relevant case laws. 12

Or

Explain the role of promoters with reference to pre-incorporation contracts. 12

5. Describe the process under Companies Act to prevent oppression and mismanagement. 12

Or

Define share. Distinguish share from stock. What are the differences between transfer of share and transmission of shares ? $2+4+6=12$

6. "Directors are not only agents but also in some sense trustees of the company." Discuss. 12

Or

Describe the powers and functions of auditors in a company. 12

31/19(3-V) CPLW 5.2

(3)

[Turn over

31/19(3-V) CPLW 5.2

(2)

7. Define winding up and write a note on voluntary winding up. 12

Or

Explain the position of official liquidator in the process of winding up of a company. 12

Total No. of printed pages = 4

19 (3-V) PRLT 5.3

2013

PRINCIPLES OF LAW OF TAXATION

Paper : 5.3

Full Marks – 80

Time – Three hours

The figures in the margin indicate full marks for the questions.

Answer question No.1 and any *five* from the rest.

1. (A) Fill up the gaps choosing the appropriate answer given in the brackets : $1 \times 10 = 10$

(i) Article — of the Constitution of India says that no tax shall be levied or collected except by authority of law. (265 / 370 / 375 / 389)

(ii) Tax can be imposed by — only.

- (a) Government
- (b) Any private owner
- (c) Court
- (d) Parliament

[Turn over

- (iii) According to entry 92 in list I of the ——— schedule of Constitution of India Union Government can levy tax on the sale or purchase of news papers and on advertisements published on it.
(VI, VII, IX, X)
- (iv) Section ——— of the Central Sales Tax Act, 1956 says the meaning of dealer.
[2(b), 3(b), 3(c), 4(A)]
- (v) Income tax was imposed in India in the year ———.
(1860, 1866, 1880, 1882)
- (vi) Income tax is imposed on the ——— of previous year of a person.
(Net income / Gross income / Aggregate income / Present income)
- (vii) In ——— Koldor recommended the imposition of wealth tax in India.
(1957, 1965, 1971, 1981)
- (viii) Assessment year means a period of twelve ——— (months, weeks, year, fortnight)

- (ix) According to Assam Shop and Establishment Act, a child is a person who has not completed the age of ——— years. (14, 15, 16, 18)
- (x) According to Assam General Sales Tax Act, 1993 and Rules, a person who has not paid the sales tax then he will have to pay interest on the due tax @ 2% per ———.
(month / year / week / day)

(B) Answer the following : $5 \times 2 = 10$

- (i) What is assessment year ?
- (ii) What is total income ?
- (iii) What is burden of proof ?
- (iv) Define charge.
- (v) Write the meaning of establishment as per the Assam Shops and Establishment Act and Rules.

2. What do you mean by Tax ? What are the characteristics of tax ? Discuss the different types of tax.
 $4+4+4=12$

3. What is sale ? When is a sale or purchase of goods said to take place in the course of inter-state trade or commerce ? $4+8=12$
4. What are called Turnover, Taxable turnover and Total turnover ? How is a turnover determined ? $6+6=12$
5. What are the different heads of income to be taxed ? Discuss with suitable example. 12
6. Who are Income Tax Authorities ? Discuss the power and function of Central Board of Direct Taxes. $4+8=12$
7. Define wealth tax. Write the jurisdiction and powers of Wealth Tax Authorities. 12
8. Write note on the Assam Shops and Establishment Act and Rules. 12

Total No. of printed pages = 5

19 (3-V) ENLW 5.4

2013

ENVIRONMENTAL LAW

Paper : 5.4

Full Marks – 80

Time – Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks : $1 \times 10 = 10$
 - (i) — is Greenhouse Gas. (Methane / Sulphur dioxide)
 - (ii) Entry of "wild animals and birds" are added by the 42nd Amendment of the Constitution —. (as entry in the union list / as entry in the concurrent list)
 - (iii) Under the Environment (Protection) Act, 1986, all are —. (26 sections and 4 chapters / 54 sections and 7 chapters)

(iv) By which names the Earth Summit Declaration is now known? — (Earth Charter / Rio Declaration)

(v) — said, "Environment is everything except me." (Einstein / V. R. Krishna Iyer)

(vi) Article — [51(A)(f) / 51(A)(g)] provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and the wildlife and to have compassion for living creatures.

(vii) The principle of absolute liability evolved in the case of —. (M. C. Mehta Vs. Union of India / Consumer Education and Research Centre Vs. Union of India)

(viii) In fresh air, maximum percentage of — (oxygen / nitrogen) is present.

(ix) The Water (Prevention and Control of Pollution) Act, 1974 was passed in pursuance of Article — [250(2) / 252(1)] of the Constitution of India.

(x) The National Environment Appellate Authority Act was passed — (1996 / 1997).

2. Write notes on the following :

2×5=10

- (a) Noise pollution
- (b) Copenhagen Summit
- (c) Pollutant
- (d) Polluter - pay principle
- (e) Deforestation.

3. What is environmental pollution? Discuss the causes and factors of pollution briefly.

2+10=12

Or

Answer the following :

4×3=12

- (a) Greenhouse effect
- (b) Global warming
- (c) Hazardous substance.

"Judicial dynamism in matters of environmental pollution had began in our country with the decision of the Supreme Court in Ratlam Municipality Vs. Virdhi Chand." Discuss the above statement.

12

Or

What remedies are provided under the law of torts and criminal law for environmental pollution ?

6+6=12

5. Discuss the scope and ambit of sustainable development in the wake of liberalisation, privatisation and globalisation. 12

Or

Answer the following :

3×4=12

- (a) Stockholm Conference, 1972
 - (b) Montreal Protocol, 1987
 - (c) Kyoto Conference, 1997
6. Discuss what are sewage effluent and trade effluent. What measures are laid down for preventing water pollution, caused by them in the Water (Prevention and Control of Pollution) Act, 1974 ?

4+8=12

Or

Describe composition, powers and functions of the Central Pollution Board for prevention and control of air pollution.

12

33/19(3-V) ENLW 5.4

(4)

1200

7. What are the objects and reasons of the Environment (Protection) Act, 1986 ? Mention some of the important measures that have been taken by the Government for protecting and improving the environment as provided for in section 3 of the Act.

6+6=12

Or

Explain the principle of no-fault liability. Discuss the provision laid down in the Public Liability Insurance Act, 1991.

12

33/19(3-V) ENLW 5.4

(5)

1200

2013

PENOLOGY AND VICTIMOLOGY

Paper : 5.5 (Opt-3)

Full Marks – 80

Time – Three hours

The figures in the margin indicate full marks for the questions.

PART - A

(Compulsory)

1. Choose the correct answer to fill up the blanks :

1×10=10

- (a) Crime is an ———. (unprescribed behaviour / masculine attitude of a man)
- (b) Penology is a study of ———. (police / punishment)
- (c) Banishment is a ———. (ban on smoking form of punishment)
- (d) Expiation is a method of ———. (inspiration punishment)

- (e) Sin is a _____. (legal concept / moral concept)
- (f) Prevention of crime is a _____. (State object / Individual initiative)
- (g) Victimology is the study of _____. (punishment / victims)
- (h) The person sent for Probation is _____. (offender / victim)
- (i) Recidivist is a _____. (habitual offender / social activist)
- (j) The first United Nations Congress on the prevention of crime held at _____. (Havana / Geneva / Kyoto / London)

PART - B

(Compulsory)

2. Write short answers of the following : $2 \times 5 = 10$
- (a) Distinguish between crime prevention and treatment.
 - (b) Atavist
 - (c) Neglected children
 - (d) Solitary confinement
 - (e) Is security bond a form of punishment?

34/19(3-V) PNVC 5.5 (Op) (2)

3. Does Penology inclined towards correctional science? If so, explain. 12

Or

Explain briefly the theories of punishment with their merits and demerits each.

4. Write down the different prison reforms that already made in Indian prison administrations and suggest some more in which area you feel necessary. 12

Or

Enlist different factors responsible for prison indiscipline and custodial torture.

5. Write down the causes of Juvenile delinquencies. Discuss clinical service that can serve to prevent delinquency. 12

Or

How white collar crime is different from other kinds of crime? How it can be prevented? Do you think the Institution of "Lokpal" can do some meaningful in this regard?

Make a comparison between intermediate sentence and suspended sentence. 12

34/19(3-V) PNVC 5.5 (Op) (3)

[Turn over

Or

How you suggest to prevent custodial torture in prisons? Discuss the points of law deals with such menace.

7. Write down the legal functions of police and discuss the importance of police-public co-operation to prevent crime. 12

Or

Discuss the human rights violations inside prisons and Police Hazat.

No. of printed pages = 4

19 (3-V) BNLW (Op.) 5.5

2013

BANKING LAW

Paper : 5.5

Full Marks – 80

Time – Three hours

The figures in the margin indicate full marks for the questions.

a) Fill in the blanks : 10×1=10

- (i) An attempt was made in India for formulating a definition of bank by Hilton Commission. (True / False)
- (ii) ——— was the originator of branch banking. (Switzerland / Great Britain)
- (iii) The Banking Regulation Act extends to the ——— (whole of India / whole of India except the States of Jammu and Kashmir).

[Turn over

- (iv) The provision of inspection is enumerated under section — of the Banking Regulation Act, 1949. (12/35)
- (v) In a promissory note, the amount of money payable — (must be certain / may be certain or uncertain).
- (vi) If the words "not negotiable" are used with special crossing in a cheque, the cheque is —. (transferable / not transferable)
- (vii) The banker is exempted from producing the account books before the police. (True / False)
- (viii) Ordinarily a period of — is considered sufficient within which a cheque must be presented for payment. (six months / one year)
- (ix) The charges which a company may create on its assets are of — kinds. (two / four)
- (x) Where guarantee extends for series of transactions between the banker and his debtor is called — guarantee. (specific / continuing)

45/19 (3-V) BN LW (Op.) 5.5 (2)

(b) Write short notes on : $5 \times 2 = 10$

- (i) Group Banking
- (ii) Powers of high court in winding up
- (iii) Penal provision under Negotiable Instrument Act
- (iv) Garnishee order
- (v) Banker's lien

What is bank ? Discuss the powers and functions of Reserve Bank of India in regulating the Commercial Banks. $2+10=12$

Or

Discuss the various types of banks. Explain the functions of the Commercial Bank. $4+8=12$

What is banking company ? Write an exhaustive note on the business in which a banking company may engage. $2+10=12$

Or

Discuss the salient features of the Banking Regulation Act, 1949. Do you like to suggest any modification of the Act ? $8+4=12$

(3-V) BN LW (Op.) 5.5 (3)

[Turn over

4. "The banker's duty of secrecy is not absolute but qualified".

Discuss the banker's obligation to maintain the secrecy of the customer's account. Discuss its limitations. $8+4=12$

Or

What do you mean by the term "customer"? Discuss the relationship between a banker and customer. $4+8=12$

5. Discuss the characteristics of negotiable instrument. State the difference between cheque and bill of exchange. $6+6=12$

Or

Who is endorser? Discuss the effects and kinds of endorsement. $3+9=12$

6. Write short notes on : $6+6=12$

- (i) Pardanashin women as Banker's customer
- (ii) Illiterate person as Banker's customer.

Or

Distinguish between contracts of indemnity and guarantee. Discuss the situations under which letters of indemnity are obtained. $8+4=12$

Total No. of printed pages = 3

19 (3-V) PEPA 5.6

2013

PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

Paper : 5.6

Full Marks - 45

Time - Two hours

The figures in the margin indicate full marks for the questions.

PART - A

(Compulsory)

1. Write short answers. (any five) $5 \times 1 = 5$
- (a) What do you mean by "Legal Practitioner"?
 - (b) Who may apply in case of quo-warranto under Article 226 of the Constitution of India?
 - (c) What are the remedies against the punishment of the Contempt of the Court?
 - (d) Under which sections of the Advocates Act deal with the provisions of admission and enrolment of advocates?

(e) How many types of Bar Council provide by the Advocates Act, 1961 ?

(f) In which section makes provision as fair comment is a good defence under the Contempt of Courts Act, 1971 ?

(g) What is the general duty of an advocate towards his clients ?

PART - B

(Compulsory)

2. Write short answers on the following : $5 \times 2 = 10$

(a) What are the provisions of Section 48 according to Advocates Act, 1961 ?

(b) What do you mean by the term "Contempt of Court" ?

(c) Who shall be ex-officio members of State Bar Council ?

(d) What are the seven lamps of Advocacy ?

(e) What do you mean by "Pleadings" ?

PART - C

Answer any two questions. $15 \times 2 = 30$

3. Discuss the aim and objective of Professional Ethics. What are the need for the Code of Legal Ethics ?

4. What are the remedies available to the Advocate against the order of punishment for misconduct ?

5. Discuss the nature and extent of punishment to the contemner under the Contempt of Court Act, 1971.