

*Total number of printed pages-7*

19 (5) LBIL (I) 5-1

**2014**

**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.*

1. Fill in the blanks with appropriate answer given in the brackets : 1×10=10

(a) The first Factories Act in India was enacted in the year \_\_\_\_\_. (1948 / 1881)

(b) Half-monthly payment under the Workmen's Compensation Act, 1923 is payable for a maximum period of \_\_\_\_\_. (three months / five years)



- (c) The Industrial Disputes Act, 1947 was amended last in the year \_\_\_\_\_. (1984/2010)
- (d) Trade Union Act, 1926 was amended last in the year \_\_\_\_\_. (1949/2001)
- (e) The University of Gauhati is \_\_\_\_\_ under the Industrial Disputes Act, 1947. (industry for all workmen / not an industry)
- (f) An automobile repairing garage within the jurisdiction of Municipality in a town in Assam is \_\_\_\_\_ (a shop / a factory)
- (g) A minor is \_\_\_\_\_ to be an office bearer of a Trade Union. (eligible / not eligible)
- (h) The entries for legislations relating to trade unions and industrial disputes are in the \_\_\_\_\_ list of the Seventh Schedule to the Constitution of India. ( Union / State / Concurrent)
- (i) Under the Indian Constitutional Scheme, ILO conventions can be implemented through \_\_\_\_\_ (Central legislation / both Central and State legislations)

- (j) Under the Minimum Wages Act, 1948, the term "Wage" \_\_\_\_\_ value of any house accommodation, supply of water, light and medical attendance or any other amenity or amenity or service excluded by general or special orders of the appropriate government. (includes / does not include)

2. Answer the following questions : 2×5=10

- (a) Define the term 'factory' under the Factories Act, 1948.
- (b) Explain the term "in the course of employment".
- (c) The appropriate government has fixed the minimum wage @ ₹ 150/- per day for certain scheduled employment. But the employees therein entered into an agreement with the employer whereby they agreed to accept minimum wage @ ₹ 200/- per day. Is the agreement valid? Give reasons.



(d) The employer of a shop situated within the jurisdiction of municipality of a town in Assam dismisses the service of an employee without assigning any reason or any inquiry recording any evidence. The employee has rendered more than seven months' continuous service in that shop. What is the remedy available to the employee? What relief can be claimed?

(e) To whom and at what rate is the compensation for retrenchment payable under the Industrial Disputes Act, 1947?

3. Discuss the procedure for registration of Trade Unions under the Trade Union Act, 1926. 12

**OR**

Discuss the rights and liabilities of registered Trade Unions. 12

4. Explain the following terms of the Industrial Disputes Act, 1947 4×3=12

(a) Industrial Dispute

(b) Public Utility Service

(c) Unfair Labour Practice

**OR**

What are the prohibitions for strikes and lock-outs under the Industrial Disputes Act, 1947? Explain. 12

5. When is the employer not liable to pay the compensation under the Workmen's Compensation Act, 1923, now renamed as the Employees' Compensation Act, 1923? Briefly discuss the provisions for fixation of amount of compensation thereunder. 6+6=12



**OR**

Discuss the duties and functions of the Workmen's Compensation Commissioner under the relevant Act. 12

6. Discuss the provisions for various kinds of leaves under the Assam shops and Establishment Act, 1971. 12

**OR**

Discuss the provisions for appointment, duties and powers of the Inspector under the Assam Shops and Establishments Act, 1971. 12

7. Explain the term "young persons" under the Factories Act, 1948. What are the different provisions of the Act for protection of young persons employed in factories? 2+10=12

**OR**

When, by whom, under what procedure(s) and at what rate is the minimum wage fixed under the Minimum Wages Act, 1948? Point out *at least two* defects of the Minimum Wages Act, 1948.

10+2=12



**2014**

**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 : 10×1=10
- i. Registration of a company is \_\_\_\_\_  
(compulsory / optional).
  - ii. According to Companies Act, every public  
company must have at least \_\_\_\_\_  
directors (three / two).
  - iii. \_\_\_\_\_ seeks to protect the company  
against the outsider (rule of constructive  
notice / doctrine of indoor management).
  - iv. Prospectus is defined in \_\_\_\_\_ of the  
Companies Act [Sec 2(34) / Sec 2(36)].

*Contd.*



- v. In \_\_\_\_\_, it was recognized that in the eyes of Law Directors are agents of the company (*Ferguson v. Wilson / Elkington & Co v. Hurler*).
- vi. Debenture means a \_\_\_\_\_ which either creates a debt or acknowledges it (document / statement).
- vii. The Doctrine of Indoor Management was laid down in the case of \_\_\_\_\_ (*Lee v. Lee's Air Framing Ltd/ Royal British Bank v. Turquand*).
- viii. A debenture holder is a \_\_\_\_\_ of the company (member / creditor).
- ix. Procedure for registration of a company is defined under Sec. \_\_\_\_\_ of the Companies Act (33 / 32).
- x. An incorporated company \_\_\_\_\_ at the death or insolvency of individual members (dies / never dies).

2. Write brief note on : 2×5=10

- a) Perpetual succession.
- b) Floating charge.
- c) Official Liquidator.
- d) Debenture.
- e) Promoter.

3. What is a Company? Discuss the nature and characteristics of a company. 12

- Or

"A company has an independent corporate existence". Are there any exceptions to this rule? Explain. 12

4. What is the procedure for incorporation of a company? Discuss the advantages and disadvantages of incorporation of a company. 8+4=12

Or

What do you mean by Memorandum of Association? Distinguish between Memorandum of Association and Articles of Association. 8+4=12

5. Define Prospectus. Give its main contents. Discuss the liabilities of inclusion of misstatement or untrue statement in prospectus. 2+5+5=12

Or

Write short notes on : (*any two*) 6+6=12

- a) Define share. Distinguish between transfer of share and transmission of shares.



b) Modes of acquiring membership of a company. Discuss the rights of a shareholder under the company.

c) Share certificate. Distinguish share from stock.

6. What are the procedures for appointment and removal of Directors? Discuss the legal position of a director of a company. 12

*Or*

"The directors are mere trustees and agents of the company — trustees of the companies' money and property, agents in transaction which they enter into on behalf of the company". Comment. 12

7. What are the various modes of winding up of a company? Discuss the consequences of winding up. 12

*Or*

Write notes on :

a) Role of National Company Law Tribunal (NCLT).

b) Security Exchange Board of India (SEBI).

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## 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 Q. no. 1 & 2 and any five from the rest.*

1. Choose the correct answer —

1×10=10

(a) A progressive tax is that in which the rate of tax depends on change in the income of the individual, which implies that higher the income, the higher is the rate of taxation. (True/False)

(b) Agricultural income is exempt from income tax under section 10(1) / 10(2) of the Income Tax Act 1961.

*Contd.*



- (c) Gross total income as reduced by the amount permissible as deduction under section 80 CC to 80 U is called total income / net income.
- (d) The Wealth tax was imposed in India on the recommendations of Prof Nicholas Kaldor (True / false)
- (e) Income tax falls under Entry 82/84 of the Union list.
- (f) According to the Wealth Tax Act, Wealth Tax is charged at the rate of 1% of the amount by which net wealth exceeds Rs. 30,00,000/-. (True / False)
- (g) As per Section 2 (aa) of CST Act 1956, 'Business' does not include Profession / Commerce / Trade.
- (h) Any remuneration and interest on capital received by a partner from a firm engaged in agricultural operation is agricultural income. (True / false)
- (i) Agricultural Income Tax Act was passed in the year 1939 / 1940.
- (j) For not registering under CST Act where required to be registered is punishable with imprisonment upto 6 months / 9 months.

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- 2. Answer the following : 2×5=10
  - (a) What is total income ?
  - (b) Financial year
  - (c) What is Permanent Account Number (PAN) ?
  - (d) Dealer under CST Act
  - (e) Agricultural income
- 3. Discuss the constitutional provisions relating to collect and levy of tax. 12
- 4. What is tax ? Distinguish between tax and fee and also direct and indirect tax. 4+4+4=12
- 5. Define income. What are the different heads of income for chargeability to tax under the Income Tax Act 1961. 4+8=12
- 6. Define 'declared goods'. What are the restrictions imposed on the levy of tax on declared goods under the CST Act 1956. 12
- 7. What was the object of agricultural income tax in India ? Write about the authorities to collect and levy agricultural income tax. 6+6=12

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3

Contd.



8. What is agricultural income ? How it is computed ? Discuss. 6+6=12

9. Write short notes on : (any three) 3×4=12

(a) Casual income

(b) Trade and Commerce

(c) Accounting year

(d) Income tax Return.

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19 (5) PNVC 5.5 (O)

2014

## PENOLOGY AND VICTIMOLOGY

(Old Course)

Paper : 5.5 (OP<sub>3</sub>)

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer to fill in the blanks : 1×10=10

(i) Punishment relates to \_\_\_\_\_. (infliction of pain / pleasure)

(ii) The object of Reformatory theory of punishment is \_\_\_\_\_. (Deterrence / Reformation of offenders)

(iii) \_\_\_\_\_ is said to be one of the causes of crime. (Poverty / Wealth)

Contd.



- (iv) \_\_\_\_\_ characterises crime as a symptom of social disorganisation. (Sutherland / Halsburry)
- (v) The Probation of Offenders Act relates to \_\_\_\_\_ (Juvenile / First offenders)
- (vi) Capital punishment means \_\_\_\_\_ (Death / Rigorous imprisonment)
- (vii) \_\_\_\_\_ is an alternative sentence to imprisonment (capital punishment / Admonition)
- (viii) The doctrine of Double Jeopardy is to protect the \_\_\_\_\_ (Accused / Police)
- (ix) The burden of proving the guilt of the accused lies on the \_\_\_\_\_ (Accused / Prosecution).
- (x) Victimology is the part of \_\_\_\_\_ (Psychology / Penology)

2. Write short notes on : *(any five)* 2×5=10

- (i) Object of Punishment
- (ii) Capital Punishment
- (iii) Any two functions of Police
- (iv) Treatment of offenders
- (v) Open prison
- (vi) Victimology.

3. What is administration of Criminal Justice? Illustrate various theories of Punishment. 4+8=12

**OR**

Discuss : (a) Various types of Punishments for different kinds of offences (b) 'Penology' as a correctional science. 6+6=12

4. Discuss constitutional validity of capital punishment. Give your arguments in favour or against the imposition of capital punishment. 6+6=12

**OR**

Discuss merits and demerits of capital punishment. Mention some important judgements. 6+6=12

5. Write notes on : *(any two)* 6+6=12

- (a) Probation
- (b) Compensation
- (c) Fine.

**OR**

Discuss 'Role of Jail' in recent period with special reference to Supreme Court directions. Write on Open Jail. 8+4=12



6. Write notes on : (any two)

6×2=12

(a) Police Public relations

(b) Functions of Police

(c) Prison Administration.

**OR**

Discuss the role of Police Organisation in modern time for maintenance of law and order. How do you suggest to prevent custodial torture ?

6+6=12

7. Write a note on the development of Victimology and discuss its relationship with Penology, Criminology and Criminal law.

6+6=12

**OR**

Write notes on : (any two)

6×2=12

(a) Constitutional perspective of Compensation

(b) Rehabilitation of Victims

(c) Need for Compensation.

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**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.*

1. Choose the correct answer : 5×1=5

(a) Advocacy is written by Mr. Krishnamurthy Iyer / R. C. Lahoti.

(b) The legal profession is the most dependent / independent one.

(c) The Contempt of Court Act was passed in 1971 / 1973.

(d) The Legal Practitioner Act was repealed by the Indian Bar Council Act / Advocate Act.



- (e) For acting as Advocate in the Supreme Court of India, there is category of Advocate on Record / Role of Bar Council of India.

2. Answer the following :  $5 \times 2 = 10$

- (a) Advocacy
- (b) Misconduct
- (c) Different kinds of contempts
- (d) Ethics
- (e) Right to fee.

3. What do you mean by Professional Ethics. Discuss the role of the Bar and Bench in the administration of justice.  $7 + 8 = 15$

*Or*

Write an exhaustive note on unprofessional conduct of an Advocate.

4. Discuss :

- (a) Disciplinary provision under the Advocate Act 1961

- (b) Liability for Civil Contempt under the Contempt of Court Act 1971.  $7\frac{1}{2} + 7\frac{1}{2} = 15$

*Or*

- (a) What are the obligation of an Advocate ?
- (b) Whether disobedience of order of Munsiff Court would amount the Contempt ? Discuss.  $7\frac{1}{2} + 7\frac{1}{2} = 15$



2014

**ENVIRONMENTAL LAW**

**Paper : 5-4**

*Full Marks : 80*

*Time : Three hours*

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

1. (a) Fill in the blanks with appropriate answer given in the brackets :  $1 \times 10 = 10$ 
  - (i) Environment includes what the sense of sight, hearing, taste, smell and touch tell us about \_\_\_\_\_. (Individual / nature)
  - (ii) Ozone is mainly found in \_\_\_\_\_. (troposphere / stratosphere)
  - (iii) Modern environmental law has its roots in the \_\_\_\_\_ law principles of nuisance. (Civil / Common)

*Contd.*



- (iv) The object and purpose behind Section \_\_\_\_\_ of Cr. P.C. is essentially to prevent public nuisance. (133 / 144)
- (v) Sustainable development means global economic development sufficient to meet current needs while allowing \_\_\_\_\_ generation to achieve their needs. (present / future)
- (vi) Development should \_\_\_\_\_ at the cost of Environment. (not bc / bc)
- (vii) Pollution of water of a spring or reservoir is made punishable u/s \_\_\_\_\_ of the I.P.C. (277 / 290)
- (viii) Meaning of Air pollution is defined under section \_\_\_\_\_ of the Air (Prevention and Control of pollution) Act 1981. [2(a) / 2(b)]
- (ix) The Environment (protection) Act 1986 was enacted under Article \_\_\_\_\_ of the Constitution of India. (253 / 254)
- (x) The Public Liabilities Insurance Act, 1991 envisages the principle of \_\_\_\_\_ liability to pay compensation for any environmental hazards caused by the hazardous industry. (Absolute / Strict)

- (b) Write notes on the following : 2×5=10
- Meaning of Environment
  - Polluter pay principle
  - Earth Summit 2002
  - Meaning of water pollution
  - Citizen suit provision.

2. Discuss the Constitutional provisions relating to environmental protection including judicial view on this point. 12

*Or*

What do you mean by depletion of ozone layer and global warming (green house effect)? What are the importance of green house effect and global warming? 6+6=12

3. Describe various remedies that are available in case of damages caused by environmental pollution. 12

*Or*

Write a detail note on the role of Public Interest Litigation entering the area of environmental pollution. 12

4. Write an explanatory note on the concept of sustainable development. Discuss the role of judiciary in maintaining sustainable development. 6+6=12



*Or*

Describe the important principles that had been accepted in the Stockholm Conference on Environment and Development 1972. 12

5. What are the sources of air pollution? Describe the effect of air pollution. What measures are to be taken to prevent and control of air pollution? 4+4+4=12

*Or*

Discuss the facts and rule laid down in Ganga pollution case. 12

6. Mention the salient features of the Environment (Protection) Act 1986. What powers have been conferred on the Central Government by the Environment (Protection) Act, 1986 to take measures to protect and improve environment? Discuss. 4+8=12

*Or*

Discuss the impact of deforestation on environmental degradation. What action plan would you like to suggest for preventing environmental degradation through deforestation? 6+6=12