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19 (3-VI) LILW II

2014

LABOUR & INDUSTRIAL LAW-II

Paper : 6-1

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 :

$1 \times 10 = 10$

(a) The original concept of "Bonus" was
_____. ("Deferred wage" / "Gift")

(b) The Payment of Wages Act, 1936 came into
operation on _____. (21st March 1936 /
28th March 1937)

Contd.

(c) In case of an unsatisfactory award of the Industrial Tribunal, the aggrieved party may file _____. (appeal before the National Tribunal / Writ-Petition before the High Court)

(d) The wage period under the Payment of Wages Act, 1936 is fixed by the _____. (person responsible for payment of wages / appropriate government)

(e) No party to an industrial dispute shall be entitled to be represented by a legal practitioner in _____. (any conciliation proceedings under the Industrial Disputes Act, 1947 / any proceeding under any authority)

(f) Dearness Allowance was originally introduced in India as _____. (a gift / Dear Food Allowance)

(g) Every award made by a Labour Court or Industrial Tribunal or National Tribunal is _____. (executable by Civil Court having jurisdiction as if it were a decree passed by it / a contract)

(h) In a domestic enquiry, the management side is to be represented by the _____. (Presenting Officer / Assisting Officer)

(i) The Enquiry Officer in a domestic enquiry should submit his report to the _____. (Disciplinary Authority and also the delinquent employee / Disciplinary Authority)

(j) Under the Indian Constitutional scheme, ILO conventions can be implemented through _____. (Central legislation / both central and state legislations)

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

(a) What is the maximum permitted limit of deduction of wages under the Payment of Wages Act, 1936 ?

(b) Under what circumstances can a workman make an application direct to the Labour Court or Industrial Tribunal for redressal of his grievances ?

(c) How should an Enquiry Officer record his findings in the enquiry report ?

(d) Write a short note on 'Award' under the Industrial Disputes Act, 1947.

(e) Write a short note on 'Occupational Disease' under the Workmen's Compensation Act, 1923, now renamed as the Employees Compensation Act, 1923.

3. Define the term 'Settlement' under the Industrial Disputes Act, 1947. Write an exhaustive note on the nature, duration and termination of Settlements. 12

OR

What are adjudicatory authorities under the Industrial Disputes Act, 1947 ? Briefly discuss their powers and functions. Point out the defects of industrial adjudication in India. 12

4. Discuss how the provisions of the Industrial Employment (Standing Orders) Act, 1946 put restraints on the managerial prerogative in the matter of disciplinary action. 12

OR

Write notes on the following in relation to domestic enquiry :

(a) Framing of charges

(b) Suspension pending enquiry into the charges

(c) Subsistence Allowance

(d) Enquiry Officer

(e) Presenting Officer

(f) Examination of witnesses. 12

5. Discuss the remedial measures under the Payment of Wages Act, 1936 in respect of delayed payment and unauthorised deduction of wages. 12

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19 (3-VI) PILW

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PUBLIC INTERNATIONAL LAW

Paper : 6.2

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) The expression 'International Law' was introduced by _____. (Bentham / Austin)

(ii) Recognition of Statehood is granted to a State mainly on _____. (Political / Geographical) consideration.

(iii) The Conference of General Assembly in Geneva in 1958 on the Law of Sea was attended by _____. (eighty two/eighty four) states.

Contd.

- (iv) Under _____ (Article 30 / Article 31) of Vienna Convention provides that the private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.
- (v) The Judges of the International Criminal Court _____ (can be / cannot be) reelected.
- (vi) _____ (Hague Conventions/Geneva Conventions) had been drawn up on the assumption that when an armed conflict takes place, States would automatically be either belligerents or neutrals.
- (vii) A neutral State is _____ (required/not required) to adopt the attitude of impartiality towards all the belligerents.
- (viii) The General Assembly on _____ (April 13/ May 13, 2005) adopted the International Convention for the Suppression of Acts of Nuclear Terrorism.
- (ix) The first World Conference known as International Conference on Human Rights was held at _____ (Vienna / Tehran) in the year 1968.
- (x) United Nations Conference on International Organisation (UNCIO) is officially known as _____. (Dumbarton Oaks Conference, 1944 / San Francisco Conference, 1945).

2. Answer the following : 2×5=10
- (i) Define Relationship of International Law and Municipal Law.
- (ii) Write notes on Law of Sea.
- (iii) Write on War Crimes and Role of ICRC.
- (iv) Define Contraband.
- (v) Write notes on U.N.O.

3. Analyse the State practices including that of Indian Republic as to the operation of International Law within the Municipal (i.e. national) sphere. 8+4=12

Or

Elucidate the major sources of Public International Law. 12

4. Discuss the various ways and means, adopted in the recognition of States and Governments. 12

Or

Who are Diplomatic Agents ? Write on various classes of Diplomatic Agents with their functions, immunities and privileges. Can these immunities be waived ? 2+8+2=12

5. Write the basic principles of : 8+4=12
- The Four Geneva Conventions, 1949.

And

The two Additional Protocols of 1977.

Is Common Article 3 common to the Geneva Conventions applicable in armed conflict in Assam and the NE region ?

Or

Discuss the fundamental principles of the International Humanitarian Laws (i.e. the laws of Armed conflict / War). 12

6. What is Neutrality ? How a state acquires this status in Armed conflicts ? Write the provisions of Neutrality under the United Nations. 2+2+8=12

Or

Define Contraband. What are the various categories of Goods that are contrabanded during war ? Write the doctrine of continuous voyage. 2+5+5=12

7. Assess the working methods of the following organs of the United Nations : 4+4+4=12

- (a) Security Council
- (b) General Assembly
- (c) U.N. Secretary General

Or

Elaborately examine the jurisdiction powers, scope and the trials conducted by the International Criminal Court (ICC).

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19 (3-VI) INLW (OP₄)

2014

INSURANCE LAW

Paper : 6-3 (OP₄)

Full Marks : 80

Time : Three hours

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

1. Answer the following questions : 1×10=10

- (i) Insurance is a _____ between two parties whereby the 'insurer' undertakes to indemnify the other, called the insured against a certain amount of loss arising from the happening of a specific contingency. (Agreement / Contract)
- (ii) The fire insurance policy is normally issued for a period of _____. (one year / two years only)
- (iii) Insurance law can be broadly broken into _____ categories. (three / two)

Contd.

(iv) The Insurance Act 1938 came into force on _____. (25th February / 26th February)

(v) The _____ of the life proposed would reveal the possibility of death. (Physical condition / Personal History)

(vi) Life insurance is defined under section _____ of the Insurance Act 1938. [2(ii) / 2(i)]

(vii) Workman means any person who is employed in any of the employments specified in section _____. (3 / 4)

(viii) The Personal Injuries (Compensation Insurance) Act 1963 came into force on _____. (8th October 1963 / 15th October 1963)

(ix) The Fatal Accidents Act came into force in the year _____. (1855 / 1865)

(x) The Insurance Act was passed in the year _____. (1938 / 1983)

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

(a) What is the importance of insurance?

(b) What is alteration?

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(c) Define Life insurance.

(d) What is contributory negligence?

(e) Define property insurance.

3. Explain the constitutional provisions relating to the insurance contract. 12

Or

Explain various kinds of insurance. Briefly explain the differences between Law of Contract and Law of torts. 6+6=12

4. Explain the historical background and nature of the general principles of law of insurance. Explain various types of risk covered by the law of insurance. 4+8=12

Or

Explain the principles of insurance. Discuss about the evolution, importance and development of Indian Insurance Law. 12

5. Explain the nature and scope of life insurance. Explain various circumstances affecting the risk under life insurance. 6+6=12

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Contd.

Or

Explain the procedure relating to amounts recoverable under life insurance. Explain about person entitled to payment and settlement of claims. 12

6. Explain the nature, scope and characteristics of the Pata Accidents Act 1855. 12

Or

Explain the provisions related to compensation payable under the Personal Injuries (Compensation insurance) Act 1963. 12

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

- (a) Third party insurance
(b) Baggage insurance.

Or

What is property insurance ? Discuss about the various forms of property insurance and insurance against third party risks. 2+10=12

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19 (3-VI) IENL (OP₅)

2014

INTERNATIONAL ENVIRONMENTAL LAW

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 : $1 \times 10 = 10$
- a) Any state other than the state of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place is called _____ (state of transit/competent authority)
 - b) Vienna Convention for the protection of ozone layer was adopted in 1985 and entered into force in _____ (1988/1986).
 - c) Reduction of _____ was the key purpose of earth summit (green house gas/ carbon)
 - d) The Rio Earth Summit with regard to climatic change was held in the year _____ (1990/1992)

Contd.

- e) The declaration or the conference as to human environment of 1972 is known as _____ (global environmental facility/Stockholm declaration)
- f) _____ was conceived as a catalyzing agency for the entire United Nations family to help focus on environmental issues. (UNEP/ UNDP)
- g) The mission of _____ is to use the law to protect the natural environment and people from the adverse effect of climatic change. (climatic justice programme / global environmental facility)
- h) _____ does not harm the human health directly but effects ancient buildings and monuments (Acid rain / Radioactive waste)
- i) _____ is the unequivocal and continuing rise in the average temperature of earth climatic system. (Climatic change / Global warming)
- j) _____ is the agreement created under the United Nation framework on climatic change (Kyoto protocol/ Earth Summit)

2. Answer briefly : $5 \times 2 = 10$

- i) Write short note on :
- Biodiversity
 - global warming

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- Write summary on the need to protect and preserve the endangered species.
- What do you understand by the term sustainable development ? Comment.
- How is radioactive waste managed ? Which convention addresses the issue on radioactive waste ?
- Write short notes on depletion of ozone layer.

3. What are the means to take viable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against their adverse effects ? Write the object and scope of Basal Convention 12

Or

What do you understand by the term 'endangered species' and 'threatened species' ? What is purpose of CITES and how does it address the issue on trade of endangered species ? 12

4. Do you think that United Nation has been proactive with regard to problems on human health and global environment ? Comment. 12

Or

Critically analyse the importance and role of NGO's participation in international conferences with regard to environmental issues. 12

19(3-VI) IENL (OP₅)/G 3

Contd.

5. What was the object behind 'Climatic Justice Programme'? When was it established and explain how does it function? 12

Or

Explain the concept climatic change. Write note on the principles under the Convention on climatic change. 12

6. Write note on the concept 'biodiversity'. What are the major concerns on biodiversity? Has any international instrument endorsed biodiversity? Comment. 12

Or

Explain why green house gas is a threat to global environment. What is sustainable development? What has been discussed in Brundtland Commission Report? 12

7. What was the purpose of Vienna Convention for the protection of ozone layer? Has India adopted any policy for protection of ozone layer? Justify. 12

Or

Write notes on :

3×4=12

- Global Environment Facility
- Stockholm declaration
- Kyoto conference

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19(3-VI) ITCA (OP₅)

2014

INFORMATION TECHNOLOGY LAW AND COMPUTER APPLICATION

Full Marks : 80

Time : Three hours

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

1. (Answer *any four* questions from the following) 4×5=20
- Write a note on Information Technology ?
 - Explain the terms 'Computer' and 'Computer Network' by the I.T. Act 2000.
 - Explain briefly the "Electronic signature law".
 - Discuss about Enforcement Agencies of IT.
 - What is 'Internet' and 'Web' by the I.T. Act 2000.

Contd.

2. Write notes on : (any three) $3 \times 6 = 18$

- (a) Malicious programs
- (b) Hacking and Cracking
- (c) Software Piracy
- (d) Computer Security and Security threats.

3. Write notes on : (any two) $10 + 10 = 20$

- (a) 'Cyber Crime' and Cyber Laws
- (b) Digital signature and its legal recognition.
- (c) Cryptography and Information Security.

4. Discuss about the Enforcement Agencies available in India and United States to implement the IT. Law. 10

5. How the MS-office package (Specifically, MS WORD, MS EXCEL, MS-POWER-POINT and MS-ACCESS) can facilitate the legal work or proceedings ? 12

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19 (3-VI) EqTu (OP₆)

2014

EQUITY & TRUST

Paper : 6-5

Full Marks : 80

Time : Three hours

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

1. (a) Equity means _____. (justice / fairness / both)
- (b) Object of the trust must be certain _____. (true / false)
- (c) There are _____ rules of certainties. (3 / 4)
- (d) To be impartial is a _____ (duty / liability) of trustee.
- (e) Equity is founded on the principles of _____. (natural justice / social justice)

- (f) Equity follows the _____. (Constitution / Law)
- (g) He who seeks _____ must come with clean hands. (equity / justice)
- (h) Equity draws its origin from _____. (judicial courts / chancery courts)
- (i) Where the equities are equal, the first _____ shall prevail. (in time / in consideration)
- (j) The powers of a trustee are categorised as general and statutory _____. (true / false)
- 1×10=10

2. Answer the following : 5×2=10

- (a) What is equity ?
- (b) Discuss the rule of certainty.
- (c) Equity will not suffer a wrong to be without a remedy.
- (d) State *two* differences between equity and equality.
- (e) Distinguish between equity and law.

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3. Write short notes on : 12

- (a) Equity will not suffer a wrong to be without a remedy
- (b) Equity looks on that as done which ought to have done.

Or

- (c) Delay defeats equity
- (d) He who seeks equity must come with clean hand.

4. Give an account of the historical origin of equity. How the concept of equity has been adopted in India ? Discuss with relevant position. 12

Or

Distinguish between Private and Public Trust and Executed and Executory trust.

5. What is a Trust ? How is trust created ? Distinguish between Implied Trust and Constructive Trust. 12

19 (3-VI) EqTu (OP₆)/G 3

Contd.

Or

What are the essentialities of trust ? Discuss the rules of Three certainties.

6. Discuss the various duties and liabilities of a Trustee in the light of its powers and functions. 12

Or

Discuss the rights and powers of the Trustee. Can he exceed his power in any case ? If yes, give reason.

7. Distinguish : 12
- (a) Simple trust and Special trust
 - (b) Trust in Hindu Law and Muslim Law

Or

Who can be a Trustee ? Is there any contractual relation between settlor and beneficiary ?