

2016

LAW OF EVIDENCE

Paper : 4-1

Full Marks : 80

Time : Three hours

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

Choose the correct answer : $1 \times 10 = 10$

1. (a) The Indian Evidence Act was enacted in 1872/1886.
- (b) The Indian Evidence Act is applicable/not applicable in Court-martial.
- (c) Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.
— True/False

Contd.

(d) As far as criminal cases are concerned, prosecution is not expected to prove the motive of any offence.

— True/False

(e) Conviction is not safe merely on the basis of identification evidence.

— True/False

(f) Confession to police officer not to be proved.

— True/False

(g) A dying declaration is admissible in evidence on the principle of necessity and can form the basis for conviction if it is found reliable.

— True/False

(h) No fact of which the court will take judicial notice need to be proved.

— True/False

(i) Content of electronic documents may be proved by oral evidence.

— True/False

(j) DNA report is a public document.

— True/False

2. What are the main features of the Indian Evidence Act 1872? Write also the nature and purpose of Law of Evidence in Civil and Criminal cases.

6+6=12

Or

Write short notes on :

(a) Relevant facts and facts in issue.

(b) Oral and documentary evidence.

(c) Circumstantial evidence and Direct evidence.

3. Distinguish —

(a) Admission and Confession

(b) Judicial and extrajudicial confession.

Or

Enumerate the rules relating to burden of proof. Give suitable illustrations.

12

4. What is relevancy of judgement? State the circumstances under which the opinion of third person become relevant.

5+7=12

Or

Explain dying declaration and its evidentiary value.

8+4=12

5. What is estoppel? What are different kinds of estoppel? 12

Or

Write notes on : 6+6=12

- (a) Omission as contradiction
(b) Proof of paternity

6. Explain : 6+6=12

- (a) Privileged Communications
(b) Dumb witnesses

Or

- (a) Hostile witnesses
(b) Evidence of accomplice.

7. "Expert-evidence is a weak evidence" — Elucidate. 10

Or

What are the latest amendments to the Indian Evidence Act? Discuss in the light of the Information Technology Act, 2000.

Total number of printed pages-7

19 (3-IV) CPCL 4-2

2016

CIVIL PROCEDURE CODE AND LIMITATION ACT

Paper : 4-2

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) Permission to sue as an indigent person once granted —

(can not be withdrawn /can be withdrawn under certain circumstances)

Contd.

- (b) An appeal can be filed by _____.
(any one of the parties / any person aggrieved)
- (c) In Nagaland, the Code of Civil Procedure, 1908 is _____.
(fully applied in letter / applied in spirit)
- (d) In computing the period of limitation for instituting a suit against the Government or a Public Officer, the period of notice has to be _____.
(included / excluded)
- (e) _____ must be sworn or affirmed before an authorised officer.
(Affidavit / Verification)
- (f) If a review application is rejected, the aggrieved party _____.
(may file an appeal / can not file an appeal)

- (g) Particulars are to be furnished in pleadings _____. (in each case / depending on the circumstances of each case)
- (h) Limitation Act, 1963 does not apply to _____. (appeals / writ petitions)
- (i) Plea of Laches may be raised against _____. (the defendant only / either plaintiff or defendant)
- (j) An agreement or compromise in a representative suit can be entered when there is _____.
(leave of the Court / consent of the Advocate General)

2. Answer the following questions : $2 \times 5 = 10$
- (a) Explain the term "Garnishee Order".

Contd.

(b) What are the circumstances under which there may be appeal against consent decree ?

(c) Distinguish between stay and injunction.

(d) What is 'first hearing' ?

(e) What is "acknowledgement" for the purpose of the Limitation Act, 1963.

3. (a) Discuss the particulars to be furnished in a plaint.

(b) Mr. X presents a plaint with insufficient Court-fee. How should the Court proceed in this case ? $6+6=12$

Or

(a) Narrate the principles regarding "denial" by a defendant in his written statement as set forth in the Code of Civil Procedure.

(b) In a suit the defendant seeks more than 90 days' time for submission of Written Statement. How should the Court proceed ? Cite case-law. $6+6=12$

4. Enumerate different kinds of interim orders under the Code of Civil Procedure. What is the procedure for granting ex-parte adinterim injunction ? $4+8=12$

Or

Discuss the principles for appointment of a receiver. Discuss the powers, duties and liabilities of a receiver. $6+6=12$

5. Explain the following terms : $3 \times 4 = 12$

(a) Cross-objection

(b) Substantial question of law

(c) Interference with concurrent findings.

Or

Distinguish between :

3×4=12

(a) Review and Appeal

(b) Necessary Party and Proper Party

(c) Legal Set-off and Equitable Set-off.

(b) Continuous running of time

(c) Legal disability.

6. Discuss the provisions relating to suits by or against Government. 12

Or

Discuss the provisions relating to suits by or against minors and lunatics. 12

7. "Limitation bars the remedy but does not extinguish the right." — Explain. 12

Or

Explain the terms :

(a) Sufficient cause

2016

PROPERTY LAW

Paper : 4-3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate words :

1×10=10

- (i) The territorial jurisdiction of the Transfer of Property Act 1882, extends to the whole of India except _____. (Punjab, Assam)
- (ii) According to _____ of the General Clauses Act, immovable property includes land, benefits to arise out of land and things attached to the earth. (Section 4, Section 5)
- (iii) Transfer of any non-transferable property is _____. (valid, void)

Contd.

- (iv) A right to future maintenance _____ transferred. (can be, cannot be)
- (v) The law relating to transfer by an ostensible owner is given in _____. (Section 40, Section 41)
- (vi) The doctrine of Lis-Pendens is laid down in _____. (Section 52, Section 54)
- (vii) Sale is a transfer of _____ (ownership, possession)
- (viii) When ownership is transferred for money consideration, the transaction is called _____. (sale, exchange)
- (ix) The period of limitation for the revocation of gift on the ground of fraud, coercion, misrepresentation or under influence is _____ from the date on which such facts are known to the plaintiff. (Three years, Five years)
- (x) Lease executed by minor is _____. (void, valid)

2. Write short notes on : 2×5=10

- (i) Attached to the earth
- (ii) Competency of the transferor
- (iii) Fraudulent transfer
- (iv) Distinction between sale and exchange
- (v) Onerous gift.

3. What do you mean by vested and contingent interest? Discuss the difference between vested and contingent interest. 3+3+6=12

Or

Write notes on : 6+6=12

- (a) Object and scope of the Transfer of Property Act 1882.
 - (b) Whether property can be transferred to an unborn person under the Transfer of Property Act 1882?
4. Explain the Doctrine of Rule Against Perpetuity enumerated in section 14 of the Transfer of Property Act 1882. 12

Or

Write explanatory notes on : 4×3=12

- (a) Spes-Successionis
 - (b) Essential conditions of a valid transfer
 - (c) Fulfilment of condition precedent.
5. Give a brief account of : 4×3=12
- (a) Doctrine of Lis Pendens
 - (b) Revocation of transfer
 - (c) Priority.

Or

Explain the Doctrine of Part-Performance enumerated in section 53A of the Transfer of Property Act. What are the differences between English and Indian Law in regard to the doctrine and its application?

8+4=12

6. Define Sale. What are the essentials of a valid sale? Explain the rights and liabilities of buyer and seller.

2+4+6=12

Or

Write notes on the following : 4×3=12

- (a) Hire-purchase agreements
 - (b) Distinction between sale and gift
 - (c) Seller's duties before the sale.
7. Define mortgage. Explain different kinds of mortgage. What is the clog on redemption? Is it valid in India? 2+5+3+2=12

Or

Write explanatory notes on : 6+3+3=12

- (a) Once a mortgage, always a mortgage
- (b) Actionable claim
- (c) Distinction between charge and mortgage.

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19 (3-IV) ADLW

2016

ADMINISTRATIVE LAW

Paper : 4-4

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 / Choose True or False
1×10=10
 - I. Dicey developed the theory Rule of Law in his classic work (The Law of the Constitution/the Constitution and the Law).
 - II. Article 50 of the Constitution of India provides for separation of Judiciary from (executive/legislative).

Contd.

III. With a view to control over delegated legislation in India there are two scrutiny committees, the Lok Sabha Committee on Subordinate Legislation and Council of Minister Committee on Subordinate Legislation. (True/false)

IV. When a delegated legislation goes beyond the scope of the authority conferred on it by the parent Statute or by the Constitution, it is known as (substantive ultra vires / procedural ultra vires)

V. Natural justice is a branch of law (public/private).

VI. Rent Control Authority is held tribunals within the meaning of Article 227. (True/false)

VII. An error of fact, howsoever great it may appear to be, be corrected by Certiorari. (can/cannot)

VIII. Supreme Court may in its discretion grant special leave to appeal from any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces. (True/False)

IX. Central Vigilance Commission was recommended by the (Santhanam Committee / Reddy Committee)

X. The Civil Servant shall not be reduced in rank by an authority equivalent to the appointing authority. (True/False)

2. Write short notes on : 2×5=10
- a. Sources of Administrative law in India
 - b. delegata potestas non potest delegare
 - c. Post decisional hearing

3. Discuss the following :

4+4+4=12

- a. Dicey's concept of Rule of Law
- b. Applicability of the doctrine of separation of powers in India.
- c. Classification of administrative action

OR

What is Administrative discretion? State the circumstances on which the exercise of discretionary powers can be interfered by the Judiciary.

3+9=12

4. Write brief note on the following aspect of delegated legislation :

6+6=12

- a. Permissible delegation and impermissible delegation.

3-IV) ADLW/G

4

OR

"Today the question is not whether delegated legislation is desirable or not but it is what controls and safeguards can be introduced so that the rule-making power conferred on the Administration is not misused or misapplied".

Discuss the control mechanism over delegated legislation in the light of above observation.

12

5. Discuss in details the Rule of fair hearing. Explain the circumstances for exclusion of the rules of natural justice.

6+6=12

OR

Write an exhaustive note on Administrative Tribunal. Make distinction between Administrative Tribunal and Courts of law. Is Administrative Tribunal bound by the decisions of Supreme Court and High Court? Refer case laws.

5+5+2=12

19 (3-IV) ADLW/G

5

Contd.

6. What is prerogative Writs? Write a detail note on various types of Writs issued by the Supreme Court and High Court.

2+10=12

OR

Write brief note on the following citing relevant judicial decisions:

6+6=12

- a. Doctrine of legitimate Expectation
- b. Doctrine of Proportionality

7. What is public corporation? Whether public corporation is State under Article 12 of the Constitution of India? Discuss the liabilities of Public Corporation in India.

2+2+8=12

OR

Write notes on :

2+4+3+3=12

- a. Public Interest Litigation

- b. Liability of the Administration in Contract
- c. Procedural safeguards to Civil servants.
- d. Right to know

Total number of printed pages-7

19 (3-VI) LBIL-II 6.1

2016

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 given in the brackets : 1×10=10
 - (a) The Payment of Bonus (Amendment) Act, 2015 has come into force from _____. (1st April, 2015/1st April, 2014)

- (b) The Wage-Ceiling under the Payment of Wages Act, 1936 is _____. (Rupees eighteen thousand/Rupees twenty one thousand)
- (c) _____ of the Constitution of India requires that the state shall in particular direct its policy towards securing that the health and strength of workers, men and women are not abused. (Article 43/Article 39)
- (d) The Committee on Fair Wages was appointed in _____. (1947/1948)
- (e) The ILO Code of Industrial Hygiene was followed in the matter of enactment of the _____. (Factories Act, 1948/ Workmen's Compensation Act, 1923)
- (f) Dispute relating to bonus under the Payment of Bonus Act, 1965 is _____. (an industrial dispute/not an industrial dispute)
- (g) The Wage-Fund Theory is associated with the name of _____. (Adam Smith/J.S. Mill)
- (h) The Payment of Wages Act, 1936 was enacted on the basis of recommendations of the _____. (ILO/ Royal Commission on Labour)
- (i) The decision of the Conciliation Officer on an industrial dispute is _____. (binding on the parties to the dispute/ not binding on the parties to the dispute)
- (j) Industrial Tribunal is constituted by the _____. (appropriate government/ Central government)
2. Write short notes on : 2×5=10
- (a) "Unpaid group" under the Payment of Wages Act, 1936

(b) Subsistence Allowance

(c) "Scheduled employment" under the Minimum Wages Act, 1948

(d) "Settlement" under the Industrial Disputes Act, 1947

(e) "Occupational diseases" under the Workmen's Compensation Act, 1923.

3. What is adjudication? What are the adjudicatory authorities under the Industrial Disputes Act, 1947? Discuss the jurisdiction of adjudicatory authorities under the Act. $2+2+8=12$

OR

What is an award under the Industrial Disputes Act, 1947? Write a note on judicial review of industrial awards. $2+10=12$

4. Discuss the concepts of different kinds of Wages. 12

OR

Write notes on : (any two) $4 \times 3 = 12$

(a) Subsistence Theory of Wages

(b) Dearness Allowance

(c) Machinery for fixation of Statutory minimum wage.

5. Discuss the salient features of the Payment of Bonus Act, 1965. 12

OR

Enumerate the deductions permissible under the Payment of Wages Act, 1936. 12

6. Under what circumstances and at what rates are the compensations payable under the Workmen's Compensation Act, 1923, now renamed as the Employees' Compensation Act, 1923 ? 12

OR

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

- (a) Health and Safety measures under the Plantation Labour Act, 1951
 - (b) Health and Safety measures under the Mines Act, 1952
 - (c) Salient features of the Factories Act, 1948.
7. What do you mean by "Standing Orders" under the Industrial Employment (Standing Orders) Act, 1946 ? Discuss the process of certification of Standing Orders under the said Act. 2+10=12

OR

Narrate the procedure for domestic enquiry and disciplinary action against Workmen. 12

2016

PUBLIC INTERNATIONAL LAW

Paper : 6.2

Full Marks : 80

Time : Three hours

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

Answer Q. Nos. 1 & 2 are Compulsory.

1. Fill in the blanks by correct words :

1×10=10

(a) The definition of 'The Law of Nations' was given by Prof. Oppenheim in _____.
(1780, 1789, 1905)

(b) The Law of Nations is the collection of usages as decided in _____.
(Queen-vs-Keyn, Derry-vs-Peck, S.S. Lotus case)

(c) The principle of the continuity of states is based on the _____ (Individual interest, Social interest, Common interest) of International Community.

Contd.

(d) As pointed out by Prof. Quincy Wright Intervention may be diplomatic as well as _____. (military, social)

(e) The methods of the Settlement of International disputes may be divided into _____. (two, three, eight)

(f) The Nuremberg Tribunal classified the war crimes punishable under international law into _____. (four, three, two)

(g) Neutrality has _____ essential elements. (two, three, four)

(h) Pacific blockade is the _____ means of settlement of international disputes. (peaceful, coercive)

(i) The judges of ICJ are elected for a term of _____. (9 years, 10 years, 12 years)

(j) According to Article _____ of the United Nations Charter, the Secretariat is one of the Principal organs of the U.N (5, 6, 7).

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

(a) 'International Law is a law without sanction'.

(b) Consequences of recognition.

(c) Prize Court.

(d) Essentials of blockade.

(e) Double veto.

3. 'International law is the vanishing point of jurisprudence'. Discuss. 12

Or

Distinguish between Public and Private International Law. 12

4. What do you understand by 'Recognition'? Discuss the various theories of recognition in International law. $6+6=12$

Or

Distinguish between Extradition and Asylum. 12

5. What do you mean by Belligerent occupation? Write about the consequences of belligerent occupation. $6+6=12$

Or

What do you mean by 'enemy character'? Discuss the law relating to effect of transfer of vessels and goods on enemy character. $4+8=12$

6. What are the consequences of carrying Contraband? Distinguish between absolute and conditional contraband. 6+6=12

Or

What do you mean by Neutrality? Discuss its features. How does it differ from non-alignment? 4+4+4=12

7. Discuss the origin and object of the League of Nations. How does it differ from UNC mainly? 6+6=12

Or

What do you understand by compulsory jurisdiction of International Court of Justice? 12

Total number of printed pages-4

19 (3-VI) INLW 6-3

2016

INSURANCE LAW

Paper : 6-3

Full Marks : 80

Time : Three hours

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

1. Choose appropriate answers : 1×10=10
 - a. Insurance is listed in Entry 47/ 57 of the Constitution of India.
 - b. Principle of indemnity is applicable / not applicable to all types of insurance.
 - c. Insurance Act 1938 applies to life insurance / general insurance / both life insurance and as well as general insurance.
 - d. Pure risks are only insurable risks. (true/false)
 - e. In case of husband and wife relationship the presence of insurable interest is required to be pleaded and proved under the law. (true/false)

Contd

- f. A contract of insurance effected without insurable interest is void/ voidable. 3.
- g. A provision for compulsory insurance is contained in Section _____ of the Personal Injuries (Compensation Insurance) Act, 1963. (8/9)
- h. The Personal Injuries (Compensation Insurance) Act 1963 applies to workman employed in any factory. (True/false)
- i. Necessity for insurance against third party risk is provided under Section _____ of the Motor Vehicles Act 1988. (145/146) 4.
- j. Contract of life insurance is a contract of indemnity/contingent contract.
2. Answer the following : 2×5=10
- a. What is return of premium?
- b. State whether insurance is a contract by way of wager?
- c. What is a personal Injuries (Compensation Insurance) scheme under the Personal Injuries (Compensation Insurance) Act, 1963 ?
- d. What is doctrine of contribution ?
- e. Define an insurance policy.

What is an 'Insurable Interest' ? Discuss the law relating to insurable interest in a contract of life insurance citing case laws. 2+10=12

Or

Discuss citing case laws the relevance of the following in the field of insurance : 6+6=12

- a. Doctrine of 'causa proxima'.
- b. Principle of Uberrimae fidei'.

4. Discuss the concept of 'risk' in context of a contract of insurance highlighting the differences between insurable risks and non-insurable risks. Also state legal provisions relating to commencement, attachment and duration of a particular risk for the purpose of determining liability of an insurer under the law. 6+6=12

Or

Write notes on : 6+6=12

- a. Doctrine of Subrogation and a contract of insurance
- b. Double insurance and Re-insurance
5. Discuss the procedure for settlement of maturity claim and death claim under a life insurance policy citing appropriate legal provisions. 12

Discuss the provisions of the Insurance Act, 1938 relating to nomination and assignment of a life insurance policy. 12

6. Under what circumstance is compensation payable under the provisions of the Fatal Accidents Act, 1855? Discuss citing case laws as to who are entitled for compensation under the Act of 1855. 12

Or

What do you understand by 'contributory negligence' and 'composite negligence'? Discuss the law relating to the apportionment of compensation and liability in case of contributory negligence and composite negligence. 12

7. What is a third party insurance? Discuss in detail the law relating to third party insurance in India. 12

Or

What is a Property Insurance? State the different kinds of property insurance. 12

Total number of printed pages-4

19 (3-VI) INLO 6.3

2016

INTERNATIONAL LABOUR ORGANIZATION

Paper : 6.3 (OP₄)

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) According to the Preamble to the Constitution of the ILO, failure of any nation to adopt humane conditions of labour is an obstacle in the way of improvement of conditions of labour _____. (of that nation only/of other nations)
- (b) Convention No. 1 of the ILO relates to _____, (minimum hours of work/maximum hours of work)

Contd.

- (c) The ILO became a specialised agency of the UNO in _____. (1948/1946)
- (d) India is _____ Member of the Governing Body of the ILO. (Permanent/Elective)
- (e) India has been a member of the ILO since _____. (15 August, 1947/the inception of the ILO)
- (f) The ILO Convention on Abolition of Forced Labour was ratified by India in _____. (1954/2000)
- (g) India has ratified _____ ILO Conventions which have been declared as fundamental to the rights of human beings at work. (all/some)
- (h) The Governing Body of the ILO consists of _____ Members. (24/28/56)
- (i) _____ of the ILO means Department for Government and Labour Laws Administration. (GLLAD/DGLLA)
- (j) The supreme body of the ILO is known as _____. (International Labour Office/International Labour Conference)

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

- (a) What is a "Labour Institution"?
- (b) What is Labour Administration?

- (c) How can a Member State of the ILO withdraw from membership of the organization?
- (d) Distinguish between Conventions and Recommendations of the ILO.
- (e) What is LABORDOC?

3. How was the International Association for Labour Legislation set up? Why was the said Association converted into the ILO?

8+4=12

OR

Write notes on the following : 4×3=12

- (a) International Labour Office
- (b) International Labour Conference
- (c) International Institute of Labour Studies.

4. Write an exhaustive note on the various Committees and Regional Conferences of the ILO.

12

OR

Write an essay on the Declaration of Philadelphia.

12

19 (3-VI) INLO 6-3/G

3

Contd.

5. Explain how some ILO Conventions are relevant to the right to education. 12

OR

Discuss how the international control is operated by the ILO in case of failure of a member state to comply with obligations under the ILO Conventions. 12

6. Discuss the main provisions of the ILO Conventions on the Right to Organize and Collective Bargaining. Is the existing Indian law adequate for protection of such rights? 8+4=12

OR

Discuss the important provisions of ILO Convention No. 87. What are the justification for ratification of the said Convention? Discuss the provisions of the Constitution of India in this regard. 6+2+4=12

7. What are the major activities of the ILO? Give an elaborate account of such activities. 12

OR

Give outlines of ILO Conventions No. 138 and 182. 12

Total number of printed pages-7

19 (3-VI) IENL 6-4

2016

INTERNATIONAL ENVIRONMENTAL LAW

Paper : 6-4 (OP-5)

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 : 1×10=10
 - (i) The term 'Green House effect' was first coined by _____ in 1827. (J. Fourier, Malanczuk)
 - (ii) The safest limit of radioactivity to human is _____ per week. (0.05 Roentgen, 0.25 Roentgen)

Contd.

5. Explain how some ILO Conventions are relevant to the right to education. 12

OR

Discuss how the international control is operated by the ILO in case of failure of a member state to comply with obligations under the ILO Conventions. 12

6. Discuss the main provisions of the ILO Conventions on the Right to Organize and Collective Bargaining. Is the existing Indian law adequate for protection of such rights? 8+4=12

OR

Discuss the important provisions of ILO Convention No. 87. What are the justification for ratification of the said Convention? Discuss the provisions of the Constitution of India in this regard. 6+2+4=12

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OR

Give outlines of ILO Conventions No. 138 and 182. 12

Total number of printed pages-7

19 (3-VI) IENL 6-4

2016

INTERNATIONAL ENVIRONMENTAL LAW

Paper : 6-4 (OP-5)

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 : 1×10=10
- (i) The term 'Green House effect' was first coined by _____ in 1827. (J. Fourier, Malanczuk)
 - (ii) The safest limit of radioactivity to human is _____ per week. (0.05 Roentgen, 0.25 Roentgen)

known as _____. (Kyoto Protocol Earth Summit)

(iv) The World Summit on Sustainable Development was held in Johannesburg, South Africa from _____, 2002. (26 August to 4 September, 25 August to 10 September)

(v) In _____ the UN celebrated the International Year of Forests. (2014, 2011)

(vi) The term 'non-governmental organization' was first coined in _____, when the United Nations was created. (1945, 1947)

(vii) _____ of the Basel Convention on the control of Trans Boundary Movements of Hazardous Wastes provides for adopting appropriate rules in the field of liability and compensation for damage resulting from transboundary movement and disposal of hazardous and other wastes. (Article 11, Article 12)

(viii) The Convention on International Trade in Endangered Species of Wild Fauna and Flora was held in _____. (1983, 1973)

(ix) One of the Conventions adopted at 'Earth Summit' at Rio-de-Janeiro in 1992 was the _____. (Convention on climate change, Convention on climate justice)

(x) The first Climate Justice Summit took place in the _____. (Hague, Durban)

2. Write short notes on : **(any five)**

2×5=10

(a) Why do we need international environmental law?

(b) Indian policy on Ozone protection.

(c) Polluter-pays principle.

(d) Role of NGOs for protection of global environment.

(e) Main objective of convention on International Trade in Endangered Species.

(f) What are the objects of the Climate Justice Programme 2002 ?

3. Write brief notes on : $3+3+3+3=12$

(a) Global environment facility

(b) Radioactive wastes

(c) International Regulation of Hazardous Wastes

(d) Causes of Ozone layer depletion.

Or

Write an exhaustive note on 'Global Warming'. What is the significance of the green house gases in global warming? What action plan would you like to suggest for preventing environmental degradation through global warming? $4+4+4=12$

4. "The history of international environmental dialogue is a history of attempts to bridge contradictory ideological premises and divergent realities to further a common environmental agenda".

Elucidate the above in the light of international environmental dialogue from Stockholm to Johannesburg. 12

Or

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

12

5. Give an account on the role of citizen group, NGO and community in promoting the agenda of environment protection in India and the international level. Whether the role of NGOs towards environment protection is satisfactory? $8+4=12$

Or

What are the plan of action adopted by the UN to fight against the environmental problem? Do you think that UN has to be proactive with regard to problems on human health and environment? $6+6=12$

Contd.

6. Explain the following : $6+2+2+2=12$

- (i) Salient features and purpose of convention on International Trade in Endanger Species of Wild Fauna and Flora.
- (ii) Specimen
- (iii) Species
- (iv) Need to protect and preserve the endangered species.

Or

Discuss the important principles that has been accepted in the Basal Convention on the Control of Transboundary Movement of Hazardous Wastes. Do you think that the Basal Convention has played an effective and meaningful role ? $8+4=12$

7. Write notes on : **(any three)** $4 \times 3 = 12$

- (i) Agenda 21 on climate change
- (ii) Sustainable Development
- (iii) Brundtland Commission Report
- (iv) UNEP.

Or

Mention the salient features of the Climate Justice Programme. Write an analytical note on the objects and reasons of the Climate Justice Programme. Do you agree with this programme ? Answer with reasons.

$6+4+2=12$

2016

**TRADE MARKS, COPYRIGHT, PATENTS
AND DESIGNS**

Paper : 6-4(0-5)

Full Marks : 80

Time : Three hours

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

***Answer question Nos. 1 & 2 which are
compulsory and any five from the rest.***

1. Fill in the blanks with appropriate answer :
(Compulsory) 1×10=10

a) Intellectual property of whatever species
is in the nature of _____ incorporate
property. [intangible / tangible /
movable]

Contd.

- b) Infringement of copyright in design is termed as _____ [piracy of registered design / copy of registered design / theft of registered design.]
- c) A design must be able to give a _____ appearance to an object. [physical/competitive/beautiful]
- d) Registering various company names and domain names does not provide _____ protection. [copyright/design / trademark.]
- e) The object of copyright law is to encourage authors, composers, artists and designers to create _____ works by rewarding them with the exclusive right for a limited period to exploit the work for monetary gain. [original / exclusive / independent]
- f) A trademark is the legal definition of a _____. [product / item / brand]
- g) A trademark _____ be registered or unregistered. [may/should/need to]

- h) All trademarks, which are accepted for registration, are entered into a Register maintained by _____. [registrar/publisher/trademark holder]
- i) A design is something which is applied to an article and not the _____ itself. [design/article/product]
- j) A patent is not granted for an idea or principle as such, but for some article or the process of _____ some article applying the idea. [making/ discovering/ finding]

2. Write short answer : **(Compulsory)**

2×5=10

- a) Economic importance of Intellectual Property
- b) Define Functions of a trade mark
- c) Author's moral rights under Sec. 57 of the Copyright Act. 1957

marks.

State and discuss the law relating to the registration of descriptive words as trade

Or

What are the various Procedural Requirements for Protection of Trademarks in India? Also explain the registration process of Trademarks and its various kinds.

Or

3. Define the concept of trademarks. Explain the need for Protection of Trademarks-rationalise both as an aspect of commercial and as consumer rights.

Answer **any five** questions.

5×12=60

Act 1970.

e) Concept of "Opposition" under Patents

the Patents Act, 1970.

d) "Inventive step" under Sec. 2(1)(a) of

4.

(a) Discuss the distinction between 'passing-off' and an 'infringement action'.

(b) Discuss the relevant factors for

determining a mark to be a 'well-known trade mark' under the Trade Marks Act, 1999.

Or

What is Assignment and Licensing under Indian Trademark Law? Explain the Standards of proof in passing off action and its remedies.

5. (a) Copyright is described as a bundle of rights. What is included in this bundle

in respect of each class of work.

(b) Briefly discuss the Author's special right under Sec. 57 of the Copyright

Act, 1957.

Or

Explain the concept of "Originality" under Copyright law. Is it necessary that all works must be original in order to be protected under Copyright Act 1957?

6. Distinguish between 'Patentable Invention' and 'Non Patentable Invention'. Briefly describe the rights of patentees.

Or

What is the object of Patent system? What is the procedure for a grant of Patent in India? Define provisional specification and its relevance.

Or

Discuss the inventions where only methods or processes of manufacture were patentable prior to the Patents (Amendment) Act, 2005, under the Patents Act, 1970. Also mention the non-patentable inventions under the Act.

7. What is the procedure for obtaining design protection? Discuss the need and requirements for protection of Industrial Designs.

Or

'A design which is not significantly distinguishable from known designs is not registrable.'

Elucidate the above statement with suitable examples.

8. (a) Discuss the objectives of The Designs Act, 2000.

- (b) What do you mean by 'Semiconductor Integrated Circuits Layout'? What are the Requirements and procedure for its registration?

Or

Briefly discuss the following:

4×3

- i) Assignment and Licensing
- ii) Standards of proof in passing off action
- iii) Rights in registered design
- iv) Piracy or Infringement of copyright in Design

19 (3-VI) EQTS 6.5

2016

EQUITY AND TRUST

Paper : 6.5

Full Marks : 80

Time : Three hours

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

1.

1×10=10

- (a) Equity means _____. (equality/justice and fairness)
- (b) The prerogative to grant relief outside the law was exercised by the _____. (king in council/common law courts)
- (c) Equity is not a body of jurisprudence acting contrary to law, but rather a _____ to law. (supplement/complement)
- (d) Equity looks to the intent rather to the _____. (letter of the law/form)

Contd.

(e) A trust can be formed as per section _____ of Indian Trust Act 1882 for a lawful purpose. (4/5)

(f) All gifts beneficial to the community _____ ipso facto charitable. (are/are not)

(g) An equitable interest will be enforceable against holder of a _____. (title/property)

(h) Equity aids the vigilant and not the _____. (indolent/laches)

(i) Trustee should obey the directions laid by the _____ of the trust at the time of the creation of trust. (author/beneficiary)

(j) _____ is entitled to have in his possession the instrument of trust and all the documents of title relating solely to the trust property. (Trustee/Beneficiary)

2. Answer the following : 2×5=10

(a) What is equity?

(b) Explain the maxim 'Equity follows the Law'.

(c) Explain the maxim 'Equity acts in personam'.

(d) Define Trust.

(e) Explain devolution and suspension of powers of trustee.

3. Describe historical background of equity. State the position of equity under the Indian Legal System. 6+6=12

OR

State the nature of equitable rights and interests. Distinguish between common law and equity. 6+6=12

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

(a) Equality is equity

(b) Delay defeats equity.

OR

(c) He who comes to equity must come with clean hand.

(d) He who seeks equity must do equity.

5. Discuss : 6+6=12

(a) Where there is equal equity, the law shall prevail.

Contd.

- (b) Where the equities are equal, the first in time shall prevail.

OR

- (c) Equity looks on that as done which ought to have been done.
- (d) Equity imputes an intention to fulfill on obligation.

6. Explain in detail the classification and kinds of trust. 12

OR

What are the essentials of trust? Discuss in detail the modes of creation of trust. 12

7. Discuss in detail the various duties and liabilities of the trustee. 12

OR

Discuss the rights and powers of the trustee. 12