



UNIVERSITY OF NORTH BENGAL
LL.B. (3 yr.) 3rd Semester Examination, 2020

LABOUR AND INDUSTRIAL LAW-I

PAPER CODE-CC11

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

Answer Q. No 7 and any three from rest

1. (a) Discuss the composition and powers of Industrial Tribunals under the Industrial Disputes Act, 1947? 5+5
 (b) The employer in a public utility services dismissed a few workman for their participation in an illegal strike without any enquiry. The dismissed workman demanded reinstatement. Decide.
2. (a) Analyze the changes brought in maternity benefit laws after the Maternity Benefit (Amendment) Act, 2017. 4+6
 (b) Who are entitled to claim maternity benefits under the Maternity Benefit Act, 1961? Can a women worker be dismissed during absence of pregnancy?
3. (a) The working hours including the rest intervals of a women employed in a factory has been fixed from 2 pm to 11 pm is valid? Give reason. 5+5
 (b) "A" permits his son "B" to work in a factory on a day on which he has already worked in another factory. Does any action lie against "A"?
4. (a) Explain the constitutional validity of closure down procedure of an undertaking in the light of judicial pronouncements. 5+5
 (b) The management of an automobile industry was unable to give employment to his worker in district 'A' due to Power failure. They gave alternative work in their unit at district 'B'. The workers refused to accept and claim lay off compensation. Explain.
5. (a) Discuss the main features of the Workmen's Compensation Act, 1923. Explain the nature of liability created under the said Act. 6+4
 (b) "A worker while working in place of employment suffered heart attack and died." Whether the legal heirs of worker are entitled to receive compensation under Workmen's Compensation Act, 1923? Give reason.

6. (a) Discuss the advantages and disadvantages of Collective Bargaining?
(b) What are the restrictions on employment of women under the Factories Act, 1948?

5+5

7. Write short notes on any *four* of the following:

5×4 = 20

- (a) Dependants under the Workmen's Compensation Act, 1923
- (b) Retrenchment
- (c) Working hours of young person under Factories Act, 1948
- (d) Public Utility Service
- (e) Manufacturing Process
- (f) Forfeiture of Maternity Benefit.

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LAW OF CRIMES-II

PAPER CODE-CC12

Time Allotted: 2 Hours

Full Marks: 50

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Answer Question No. 7 and any three from the rest

1. Give short history of origin and developments of Law of Criminal Procedure. Discuss important changes introduced and Scope and Object. 6+4
2. What is Arrest? When can a police officer arrest a person without an order from a Magistrate and without a warrant? 5+5
3. Under what circumstances, can a person be required to execute bond? 5+5
 - (a) For keeping the peace and
 - (b) For keeping good behaviour
4. What are the provisions regarding search by a Police Officer under Criminal Procedure Code, 1973? Explain. 10
5. When a wife is not entitled to maintenance from her husband? When can the Magistrate cancel the order of maintenance allowance to wife? 5+5
6. (a) When can Session Judge transfer the cases and appeal? Can a Session Judge withdraw or recall any case or appeal from Assistant Session Judge or Chief Judicial Magistrate subordinate to him? 6
 - (b) State the grounds on which an application may be made to the High Court for transfer of a criminal case from a subordinate Court? 4
7. Write short notes on any *four* of the following: 5×4 = 20
 - (a) Anticipatory Bail
 - (b) Charge
 - (c) Custodial Death
 - (d) First Information Report
 - (e) Police Diary
 - (f) Police Remand and Judicial Remand
 - (g) Summary Trial.

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INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

PAPER CODE-DE01

Full Marks: 50

Time Allotted: 2 Hours

The figures in the margin indicate full marks.

The students should attempt Question No. 7 and any *three* from the rest

1. (a) Define a Statute. 3
(b) Explain in brief the various Internal Aids to Interpretation of Statutes. 7
2. With special reference to *Kartar Singh v. State of Punjab*, (1954) SCR 145, discuss the Golden Rule of Interpretation. 10
3. Explain the Doctrine of Repugnancy with the help of relevant case laws. 10
4. With special reference to *State of Bombay v. F.N. Balsara*, 1951 AIR 318, explain the Doctrine of Pith and Substance. 10
5. Write short notes on the following: 5+5=10
 - (a) *Noscitur a Sociis*
 - (b) The mischief rule of interpretation.
6. With reference to the rules of statutory interpretation, explain the following with decided cases:
 - (a) *Delegatus non potest delegare* 5
 - (b) *Generalia specialibus non derogant* 5
7. Write short notes on any *four* of the following: 5×4 = 20
 - (a) Prospective operation of Statutes
 - (b) Harmonious construction
 - (c) *Ejusdem Generis*
 - (d) Doctrine of Residuary Powers
 - (e) Doctrine of Colourable Legislation
 - (f) Statutes in *pari materia*.

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ENVIRONMENTAL LAW

PAPER CODE-CC13

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

Answer Question No. 7 and any three from the rest

1. (a) Discuss the objectives of the Water (Prevention and Control of Pollution) Act, 1974. 4
- (b) Explain the constitution, powers and functions of the State Pollution Control Board under the Water Act. 2+2+2 = 6
2. Sustainable development is a balancing concept between ecology and development which has been accepted as a part of the customary international law. In the light of the above observation by the Supreme Court, substantiate your answer with decided case law. 10
3. (a) State the various provisions which are mentioned in part III and part IV of the Constitution for environmental protection along with the case laws. 6
- (b) Explain the Constitutional perspective of environment as a part of Article 21 of the Constitution with reference to case laws. 4
4. Explain the following: 5+5=10
 - (i) Precautionary Principle.
 - (ii) Aims and objectives of the Public Liability Insurance Act, 1991.
5. In the purview of the Environment (Protection) Act, 1986:
 - (a) Discuss the powers and functions of Central Government. 5
 - (b) Discuss the provisions relating to Prevention, Control and abatement of environmental pollution. 5
6. (a) What are the aims, objectives and features of the Forest (Conservation) Act, 1980? 5
- (b) State the powers and functions of the authorities formed under the Wildlife (Protection) Act, 1972. 5

7. Write short notes on any *four*:

5×4 = 20

- (a) Polluter Pays Principle
- (b) National Policy of Environment
- (c) Environment and Environmental Pollutants
- (d) Public Trust Doctrine
- (e) Penalty for offences by Government departments under the Air (Prevention and Control of Pollution) Act, 1981
- (f) Environmental Pollution as a tortious liability.

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