



UNIVERSITY OF NORTH BENGAL
LL.B. (3 yr.) 4th Semester Examination, 2020

CIVIL PROCEDURE CODE AND LIMITATION ACT
PAPER CODE-CC14

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

GROUP-A

Answer any *three* questions not exceeding 200 words

10×3 = 30

1. Define Res judicata. What are the difference between res Judicata and res subjudice? 4+6=10
2. What is plaint? What are the essentials of a pliant? 10
3. When does a foreign judgment operates as res judicata? Are there any exceptions? 10
4. Discuss the grounds for ex-parte injunction. 10
5. What is an appeal? What are the powers of an appellate court? 10
6. What are the essentials of civil suit? Enumerate the different stages of a suit? 10

GROUP-B

7. Write short notes on any *four* of the following not exceeding 100 words: 5×4 = 20

- (a) Set off and counter claim
- (b) Inherent power of the high court
- (c) Ex-parte Decree
- (d) Interpleader of suits
- (e) Reference
- (f) Review.

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UNIVERSITY OF NORTH BENGAL
LL.B. (3 yr.) 4th Semester Examination, 2020

LAW OF EVIDENCE

PAPER CODE-CC15

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

GROUP-A

Answer any *three* questions not exceeding 200 words

10×3 = 30

1. Distinguish between Admission and Confession. What type of confessions are inadmissible under the Indian Evidence Act, 1872? 4+6=10
2. Discuss the circumstances when facts not otherwise relevant become relevant with the help of decided case laws and illustrations. 10
3. Define Dying Declaration. What is the evidentiary value of dying declaration? Can it be relied upon without corroboration? 5+5=10
4. Explain the doctrine of 'estoppel'. Can there be an estoppel against statute? 6+4=10
5. Discuss law relating to legitimacy of the child with the help of relevant case laws. 10
6. Explain the terms 'competence of a witness'. Can an evidence have given by a child is admissible? 5+5=10

GROUP-B

7. Write short notes on any *four* of the following not exceeding 100 words: 5×4 = 20
 - (a) Accomplice
 - (b) Hostile Witness
 - (c) Res Gestae
 - (d) Leading Questions
 - (e) May presume and Shall presume
 - (f) Expert opinion.

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UNIVERSITY OF NORTH BENGAL
LL.B. (3 yr.) 4th Semester Examination, 2020

COMPANY LAW

Time Allotted: 2 Hours

The figures in the margin indicate full marks.

Full Marks: 50

Answer any *three* questions not exceeding 200 words

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| | 10×3=30 |
| 1. Answer the following with decided case laws: | 5×2 = 10 |
| (a) What is corporate personality? Discuss the salient features of separate corporate personality. | 5 |
| (b) What do you mean by allotment of shares? | 5 |
| 2. 'A company is completely separated from its members' - Justify the statement in view of Solomon's case. Point out the exceptions to the principle laid down in Solomon's case. | 10 |
| 3. "Winding up is the method of putting an end to the life of a company"- Comment. | 10 |
| 4. What do you mean by lifting of a corporate veil? State the circumstances when the corporate veil can be lifted referring to the provisions and decided cases. | 10 |
| 5. Answer the following briefly— | 5×2 = 10 |
| (a) What do you understand by winding up of a company? What is compulsory winding up? | 5 |
| (b) Explain the powers of the court in the winding up proceedings of a company. | 5 |
| 6. (a) What is Memorandum of Association? | 3 |
| (b) What is Prospectus? | 3 |
| (c) Discuss the civil and criminal liabilities of directors for untrue statements in prospectus. | 4 |
| 7. Write short notes on any <i>four</i> of the following not exceeding 100 words: | 5×4 = 20 |
| (a) Lifting of corporate veil | |
| (b) Promoters | |
| (c) Shares | |
| (d) Foss v Harbottle | |
| (e) Organs of company | |
| (f) Corporate governance and SEBI. | |

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UNIVERSITY OF NORTH BENGAL
LL.B. (3 yr.) 4th Semester Examination, 2020

COMPANY LAW

PAPER CODE-DE02

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

GROUP-A

Answer any *three* questions not exceeding 200 words

10×3 = 30

1. (a) In what way does the Companies Act, 2013 and Rules made there under regulate the appointment of women director in a company? Explain. 5
 - (b) Referring to the provisions of the Companies Act, 2013, state the conditions required to be fulfilled before a company can issue bonus shares to shareholders of the company. 5
 2. (a) What do you mean by Company? What are the Advantages and Disadvantages of Incorporation of Company? 7
 - (b) By what method and to what extent a Company may alter its Memorandum of Association? 3
 3. "The Board of Directors can do all such acts and things and exercise all such powers as the company itself may do or exercise". In the light of this statement, discuss the rights, powers and duties of Board of Directors of public limited companies. 10
 4. (a) What is a Share? What are the procedure regarding issuance of Equity Shares? 5
 - (b) With reference to the provisions of the Companies Act, 2013 and the rules framed there under, state the disqualifications for a Debenture Trustee. 5
- Explain whether the following persons can be appointed as Debenture Trustee:
- (i) A relative of whole-time director of the company.
 - (ii) A shareholder who has no beneficial interest.
5. What are the powers given to the Tribunal by the Companies Act, 2013 for the prevention of oppression and mismanagement? Explain. 10

6. Write down the composition of National Company Law Appellate Tribunal (NCLAT) and the power and procedure to regulate its proceedings.

GROUP-B

7. Write short notes on any *four* of the following not exceeding 100 words:

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- (a) Foss vs. Harbottle Rule
- (b) Promoters
- (c) Buy Back of Shares
- (d) Punishment for failure to distribute dividend and exceptions
- (e) Power and duties of liquidator
- (f) Insider Trading.

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UNIVERSITY OF NORTH BENGAL
LL.B. (3 yr.) 4th Semester Examination, 2020

LABOUR LAW-II

PAPER CODE-CC16

Time Allotted: 2 Hours

The figures in the margin indicate full marks.

Full Marks: 50

GROUP-A

Answer any *three* questions not exceeding 200 words

10×3=30

1. (a) The employees working at Y textiles association held peaceful demonstration and dharnas inside the industrial establishment within the working hours that caused inconvenience to the management. Will they be liable in Torts for deliberately bringing about a breach of contract of employment between the employer and the employees? Explain. 5
- (b) The Tamil Nadu Electricity Board gave recognition to the Tamil Nadu Electricity Board Union. Later on the Union changed its name. Can the Electricity Board withdraw the recognition? Discuss in the light of the right of recognized trade union under section 28F of the Trade Union's Act, 1926. 5
2. (a) An employee of the KIMCO was attacked by some person and his left hand was cut off while he was on his way back home after finishing his work in the factory. Can he maintain any claim/s under the Employees' State Insurance Act? Explain. 5
- (b) The contribution payable under the Employees', State Insurance Act, 1948 in respect of an employee shall comprise the contribution partly paid by the employer and partly by the employee. In the light of the above statement, discuss whether the payment of interest on delayed payment of contribution is statutory or whether it can be waived off? 5
3. (a) A notification was issued revising the minimum rates of wage on the advice of the Advisory Body. This was challenged on the grounds that the advisory board was defective. Discuss if such revision can be challenged on the ground. 5
- (b) Shyam was an employee working at X mills, he was getting better wage than the minimum wage under other statutory rules. Shyam works overtime. Can Shyam claim for overtime wage under section 14 of the Minimum Wage Act, 1948? 5

4. (a) What is the purpose of providing for the Employees Pension Scheme by the Central Government?
(b) Elaborate the mode of recovery of money due from employers under the EPF.
5. (a) Every child has an inherent right to life, to a name, to acquire a nationality and, as far as possible, the right to know and be cared for by his/her parents. In this context, what are the constitutional rights of a child under the Constitution of India.
(b) Lalit who was aged twelve years works at a Bidi factory. Can the employer be made liable for the contravention of the prohibitions under Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986? Explain. Also point out the penalties if any under the Act.
6. "Employment Injury is such injury which is caused by an accident or occupational disease arising out of and in the course of employment. In this regard, decide whether the employees are entitled to avail the benefits under the Employees State Insurance Act, 1948 in the following cases:
(a) An employee X came to resume his duty after a gap of 4 years but he was not allowed to join duty in spite of producing medical certificate and at that point of time, X being a paralytic patient had an accidental fault resulting in injury for which he claimed benefit as permissible under the Employees State Insurance Scheme. State whether he will be entitled to receive any benefit. Give reason to support your answer.
(b) An employee Y was working as a refrigerator operator was run over and killed on the spot by an unidentified motor vehicle when he was on his way to factory to join his duty. His father claimed benefits under the Act. State whether he will be entitled to any such benefits. Give reasons to support your answer.

GROUP-B

7. Write a note on any **four** of the following not exceeding 100 words: 5×4
- (a) Trade Union
 - (b) Medical Benefit Council
 - (c) Employer
 - (d) Payment of contribution under EPF
 - (e) Procedure for fixation of Minimum rate of wages under Minimum Wages Act
 - (f) Regulation of conditions of work of Children.

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UNIVERSITY OF NORTH BENGAL
LL.B. (3 yr.) 4th Semester Examination, 2020

LABOUR AND INDUSTRIAL LAW-II

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

GROUP-A

Answer any *three* questions not exceeding 200 words

10×3 =30

1. (a) State the provisions of prohibition of employment of children in certain occupations and processes. 5
- (b) Discuss the rights of child under the International Convention on Rights of Child, 1989. 5
2. Discuss the constitution, duties and functions of the Medical Benefit Council. 10
3. (a) What are the powers of an inspector as appointed under the Employee's Provident Fund and Miscellaneous Provisions Act, 1952. 5
- (b) Explain Employee's Deposit linked Insurance Scheme. 5
4. What are the provisions that were incorporated by an amendment of the Indian Trade Unions Act, 1926 in the year 1947 in regards to recognition of trade union? 10
5. Discuss the provisions relating to fixation of minimum wages and working hours in respect of any schedule employment under the Minimum Wages Act, 1948. 10
6. (a) How are the contributions made in regards to the Employees' State Insurance Schemes? 5
- (b) Explain the Constitutional validity of Minimum Wages Act, 1948. 5

GROUP-B

7. Write short notes on any *four* of the following not exceeding 100 words: 5×4 = 20
 - (a) Cancellation of Registration of Trade Union
 - (b) Central Board
 - (c) Social Security
 - (d) Collective Bargaining
 - (e) Rights of child and the Indian Constitution
 - (f) Benefits under Employees' State Insurance Act, 1948.

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UNIVERSITY OF NORTH BENGAL
LL.B. (3 yr.) 4th Semester Examination, 2020

LAW OF PROPERTY

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

GROUP-A

Answer any *three* questions not exceeding 200 words

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|---|---------|
| | 10×3=30 |
| 1. (a) Define the following terms under the Transfer of Property Act, 1882: | |
| (i) Immovable Property | 3×2 |
| (ii) Actionable claim. | |
| (b) Enumerate who are competent to transfer a property under the Transfer of Property Act, 1882. | 4 |
| 2. "Transferability of the property is the general rule but the non transferability is an exception". In the light of above statement, explain the specific kinds of property which cannot be transferred. | 10 |
| 3. (a) "A Person cannot take under and against same transaction". — Explain the concept of election with available exceptions under the Transfer of Property Act, 1882. | 6 |
| (b) Mr. X was the real owner of the property but due to mistake Mr. Y's name was entered in revenue record. Mr. Y mortgaged the property to Mr. Z who accepted the mortgage relying on the revenue record. Explain the effect of the mortgage made by the Mr. Y in the light of relevant provision of Transfer of Property Act, 1882. | 4 |
| 4. Explain the doctrine of part-performance as enumerated under the Transfer of Property Act, 1882. | 10 |
| 5. (a) Explain the Right of redemption of the mortgagor and right to foreclosure of the mortgagee. | 6 |
| (b) Explain the concept of subrogation. | 4 |

6. (a) Discuss the rights and liabilities of lessor and lessee under the Transfer of Property Act, 1882.
- (b) Explain how a gift made can be revoked or suspended under the Transfer of Property Act, 1882

Group-B

7. Answer any *four* of the following not exceeding 100 words:

5×4 =

- (a) Modes of creation of lease
- (b) Meaning of Transfer of Property
- (c) Universal donee
- (d) Exceptions to the fraudulent transfer
- (e) Essentials of valid sale
- (f) Dominant and servient heritage.

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