



UNIVERSITY OF NORTH BENGAL
B.A./BBA/B.Com. LL.B. (5 yr.) General 7th Semester Examination, 2020

LAW OF CIVIL PROCEDURE CODE AND LIMITATION ACT

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. What is the scope and object of doctrine of res judicata? Discuss the conditions necessary for its application in legal proceedings. 6+4
2. (a) What is a foreign judgment? Under what circumstances it is conclusive? 5+5
(b) In what manner may decree of a Foreign Court be executed in India?
3. (a) What are particulars which are required to be contained in 'Plaint' and 'Written Statement'? 5+5
(b) Distinguish between the Legal and equitable set off.
4. "Unless a right of appeal is clearly given by statute, it does not exist"— Comment. 7+3
Can an appellate court reverse a decree on the ground of misjoinder of parties?
5. Discuss the provisions relating to arrest and detention in civil prison in execution of a decree. 10
6. What do you understand by summon? Discuss the rules regarding service of summon. 3+7
7. Write short notes on any **four** from the following: 5×4 = 20
 - (a) Mesne Profits
 - (b) Constructive Res judicata
 - (c) Judgement Debtor
 - (d) Decree holder
 - (e) Ex parte decree
 - (f) Legal representation.



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LABOUR AND INDUSTRIAL LAW-II

Time Allotted: 2 Hours

Full Marks: 50

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Answer Question No. 7 and any three from rest

1. (a) What are the powers of an inspector as appointed under the Employee's Provident Fund and Miscellaneous Provisions Act, 1952? 5
 (b) Discuss the constitution, duties and functions of the Medical Benefit Council. 5
2. (a) Discuss the object of The Minimum Wages Act, 1948 in the light of principal laid down by the Supreme Court in the People's Union for Democratic Right v. UOI. 5
 (b) 'XYZ' a textile mill has given employment to 'A' as workman. But 'A' was not paid minimum wages as 'XYZ' says that the mill is in loss. Examine the legal position. 5
3. (a) A recognized trade union commenced a strike. During the course of the strike, it turned violent at the provocation of the management. The management alleges that strike is illegal. 5
 (b) Discuss the provisions that deals with the filing of 'return' of registered trade union. 5
4. 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
5. (a) What are the constitutional directives in the field of labour laws? What basic changes would you suggest in the labour laws to meet the present requirements of labour and industry? 5
 (b) Discuss the impact of international labour standards and the Indian Constitution on Labour legislation in India. 5
6. What is the object of Employees' State Insurance Act? What establishment and who are covered by it? What is the procedure for registration and for seeking exemption from the provisions of the act? 3+3+4
7. Write short notes on any **four** of the following: 5×4 = 20
 - (a) Amalgamation of Trade Union
 - (b) Collective Bargaining
 - (c) Fair Wage and Living Wage
 - (d) Employees Deposit Linked Insurance Scheme.
 - (e) Trade Disputes
 - (f) Benefits under Employees' State Insurance Act, 1948.

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LAND LAW

Time Allotted: 2 Hours

Full Marks: 50

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Answer Question No. 7 and three from the rest

1. "Once a Bargadar always a Bargadar". Comment and justify your answer referring to various provisions relating to Bargadar as laid down under the W.B. Land Reform Act, 1955? 10
2. (a) Discuss the grounds of eviction of tenants as laid under the W. B. Premises Tenancy Act, 1997. 7
 (b) Is there any safeguard under the said act available to the tenants if they are unlawfully evicted? Give your answer with reason citing relevant provisions of the W.B. Premises Tenancy Act, 1997 and case laws. 3
3. (a) Elucidate on the concept of 'Social Impact Assessment Study' and its importance under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Cite relevant case laws in this regard. 7
 (b) Has there been any difference between the scope of 'public purpose' provided under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and that provided under the Land Acquisition Act, 1894? Explain. 3
4. Comment on the scope of Alienation of Land by SCs and STs under the W.B. Land Reform Act, 1955. 10
5. Write a comparative note on the land reform measures in India in the pre-independent and post-independent era. 10
6. A Raiyat is presumed to be the owner of his own land and as such some rights accrue to him. Simultaneously, there are certain restrictions which are imposed on him under the W.B. Land Reforms Act, 1955. In this context elucidate the relevant provisions under the W.B. Land Reforms Act, 1955 and Case laws. 10
7. Write short notes on any **four** of the following: 5×4 = 20
 - (i) Principles of distribution of land
 - (ii) Pre-emption
 - (iii) 'Tenant' under the W.B. Premises Tenancy Act, 1997
 - (iv) Ceiling limit under the W.B. Land Reform Act, 1955
 - (v) Significance of the case of Kedarnath Yadav v. State of West Bengal (Civil Appeal No. 8438 of 2016)
 - (vi) Benami Transaction.

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