



‘সমানো মন্ত্র: সাক্ষিত: সমানী’

**UNIVERSITY OF NORTH BENGAL**

LL.B. (3 yr.) 4th Semester Examination, 2024

**COMPANY LAW**

**PAPER CODE: DE02**

Time Allotted: 3 Hours

Full Marks: 100

*The figures in the margin indicate full marks.*

**Answer Question No. 7 and any four questions from the rest**

1. (a) “A company enjoys separate personality from its shareholders.” Critically examine this statement with special reference to the principle of corporate veil. 10  
(b) During a war all the members of a private company, while in general meeting were killed by a bomb. Discuss whether the company ceases to exist because all the members die. 5  
(c) Write a note on One Person Company. 5
2. (a) Discuss the duties of directors under the Companies Act, 2013. 10  
(b) Examine the extent of civil and criminal liability for mis-statements in prospectus. 5  
(c) Write notes on the following Red Herring Prospectus and Shelf Prospectus. 5
3. (a) “Majority will have its way, but the minority must be allowed to have its say.” Discuss this proposition with reference to the prevention of oppression and mismanagement in a company. 10  
(b) Discuss corporate social responsibility under the newly enacted Companies Act, 2013. 10
4. (a) Discuss the circumstances in which a company may be wound up by the Tribunal/Court. When it is considered just and equitable to wind up of a company? Refer to statutory provisions and decided cases in support of your answer. 10  
(b) Discuss the doctrine of indoor management pointing out the exceptions, to the doctrine. 10
5. (a) Define share. 4  
(b) What are the different types of shares? 4  
(c) Distinguish between share certificate and share warrant. 6  
(d) Write notes on ‘Buy-back of Shares’ by a company. 6

6. (a) "Memorandum of association contains the fundamental clauses which have often been described as the conditions of the company's incorporation." — Discuss the clauses of memorandum of association in the light of above observations. 10
- (b) Describe briefly the procedure for effecting the conversion of a private company into a public limited company. 5
- (c) Explain the concept of pre-incorporated contract through promoter before formation of a company. 5
7. Write short notes on any *four* of the following: 5×4 = 20
- (a) Salient features of the Companies Act, 2013
  - (b) Doctrine of Ultra Vires
  - (c) Debentures
  - (d) Article of Association
  - (e) Government Company
  - (f) National Company Law Tribunal

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**LABOUR AND INDUSTRIAL LAW-II**

**PAPER CODE: CC16**

Time Allotted: 3 Hours

Full Marks: 100

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**Answer Question No. 7 and any four of the remaining questions**

1. (a) Discuss in detail the rights and liabilities of a registered Trade Union as provided under Trade Union Act, 1926. 8  
(b) Mention the matters to be dealt under the rule book of the trade union. 6  
(c) State the objectives for which expenditure can be made from the general fund of trade union. 6
2. (a) Explain the provisions relating to contribution under the Employees' State Insurance Act and the role of the Principal and Immediate employer in this behalf. 10  
(b) Elaborate and discuss the provisions of Medical benefit and Maternity benefit under the ESI Act. 10
3. (a) Elucidate on the rights of Child provided under the Indian Constitution along with the landmark judgements of the Supreme Court of India. 8  
(b) Critically analyse the present legal status of Child labour in India as provided under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. Highlight the relevant legal provisions and case laws. 12
4. (a) Discuss the provision relating to the fixation of minimum wages and its structure and procedure under the Minimum Wages Act, 1948. 8  
(b) Comment on the Constitutional validity of the Minimum Wages Act, 1948. 4  
(c) Write an explanatory note on the authorities under the Minimum Wages Act, 1948. 8
5. (a) Comment on the applicability of Employees' State Insurance Act, 1948. 4  
(b) Highlight the constitution, duties and functions of the following authorities under the ESI Act: 8+8  
(i) Medical Benefit Council  
(ii) ESI Corporation.

6. (a) Discuss the differences between Employees Pension Scheme and Employees Provident Fund Scheme. 10
- (b) Explain the authorities under the EPF Act. 10
7. Write short notes on any *four* of the following:  $5 \times 4 = 20$
- (a) 'Dependants' under ESI Act
  - (b) Adolescent Labour
  - (c) Overtime Wages
  - (d) Amalgamation of trade union
  - (e) Principal Employer
  - (f) Scheduled Employment under MW Act.

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**LAW OF EVIDENCE**

**PAPER CODE: CC15**

Time Allotted: 3 Hours

Full Marks: 100

*The figures in the margin indicate full marks.*

**Answer Question No. 7 and any four questions from the rest**

1. (a) What is the meaning of dying declaration? Is such a declaration admissible in evidence? If so, under what circumstances? 10
- (b) A, a woman, whose throat had been cut by some sharp-edged weapon indicated by gestures before her death that B was the person who had cut her throat. Is this statement of A made by gestures admissible as evidence against B? 5
- (c) ‘A’ sues ‘B’ for damage done by a dog of ‘B’ which ‘B’ knows it to be ferocious. Whether the facts that the dog had previously bitten X, Y and Z, that they had made complaint to ‘B’ are relevant? 5
2. (a) A lodged F.I.R alleging that in the morning, he had hacked his aunt to death with an axe and the dead body was lying in the house. The dead body and blood stained axe were recovered therefrom by the police. ‘A’ is prosecuted for murder. There is no eye-witness or any other evidence against him. Prosecution seeks A’s conviction for murder on the basis of his version contained in the FIR. Examine the validity of his contention and admissibility of the F.I.R as substantive piece of evidence and decide. 5
- (b) What is confession? Distinguish between judicial and extra-judicial confessions. 5
- (c) What is expert opinion? Explain the evidentiary value of expert opinion. 5
- (d) What is meant by leading questions and when leading questions may be asked? 5
3. (a) Write an exhaustive notes on burden of proof. 10
- (b) What are privileged communications? 5
- (c) Explain the scope of examination-in-chief, cross-examination and re-examination under the Indian Evidence Act, 1872. 5
4. (a) What do you understand by secondary evidence? In what circumstances secondary evidence can be accepted? 10
- (b) “Hearsay evidence is no evidence”. — Discuss. What are its exceptions? 10

5. (a) What are the amendments introduced in Section 65 of the Indian Evidence Act in relation to Electronic Evidence? Discuss with illustrations and case laws. 10
- (b) Who is an accomplice? Whether an accused may be convicted on the basis of the uncorroborated testimony of an accomplice? 10
6. (a) Explain Falsus in uno, falsus in omnibus. 5
- (b) Write explanatory notes on may presume, shall presume and conclusive proof. 15
7. Write short notes on any *four* of the following: 5×4 = 20
- (a) Doctrine of Estoppel
  - (b) Refreshing of memory
  - (c) Judicial Notice
  - (d) Doctrine of Res gestae
  - (e) Plea of alibi
  - (f) Fact in issue and Relevant Fact.

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**CIVIL PROCEDURE CODE AND LIMITATION ACT**

**PAPER CODE: CC14**

Time Allotted: 3 Hours

Full Marks: 100

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**Answer Question No. 7 and any four from the rest**

1. (a) A, residing in Mumbai, publishes in Shimla a defamatory statement against B. Can B sue A in Shimla? Answer with reason and with the help legal provision. 5
- (b) Define: Decree. 5
- (c) Distinguish between: (any one) 5  
Decree and Order  
Decree and judgment
- (d) In which cases can a court which passed a decree send it for execution to another court? 5
2. (a) Explain the doctrine of res judicata as embodied in Civil Procedure Code. 10
- (b) Define the following terms: 10  
(i) Joinder of Plaintiff  
(ii) Joinder of Defendant  
(iii) Mis-joinder and Non-Joinder of Parties  
(iv) Necessary and Proper Party
3. (a) (i) When issues arise in a suit? 2×5 = 10  
(ii) What is material proposition?  
(iii) How issues are framed?  
(iv) How many kinds of issues may arise in a suit? State those issues.  
(v) When the Court is not required to frame issues?
- (b) Discuss the provisions relating to the representative suit with the help of suitable illustration. 10
4. (a) ‘Second appeal lies to the High Court if the case involves a substantial question of law’ — Discuss with the help of relevant provision under the Code. 10
- (b) Discuss the procedure relating to a suit by or against government. 10

5. (a) 'Foreign Judgment not conclusive' — State the circumstances as mentioned under the Code. 10  
(b) Explain: Reference, Review and Revision. 10
6. (a) 'Limitation bars remedy but not the right' — Explain with suitable illustration. 10  
(b) Discuss various provisions which deal with legal disability under Law of Limitation and also explain its application. 10
7. Short notes: (attempt any *four*) 5×4 = 20  
(a) Set-off and Counter Claim  
(b) Amendment of pleadings  
(c) Caveat  
(d) Condonation of delay  
(e) Appointment of Receiver  
(f) Interest Re Publicae Ut Sit Finis Litium.

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