



UNIVERSITY OF NORTH BENGAL
LL.B. (3yr.) 5th Semester Examination, 2020

INSURANCE LAW

PAPER CODE-GE01

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

Student shall attempt questions no.7 compulsorily and any *three* questions from the rest

All questions carry equal marks

1. (a) Explain the history and growth of Insurance in India. 5
- (b) "Risk depends upon various elements of the event insured against in its happening sooner or later" — Analyse the various elements of risk in the insurance policies. 5
2. Decide the following case:
 - (a) Gaurav insured his car with Galaxy Insurance Company, later with another company called Moon Insurance Company. Gaurav's car become liable in damage to a motor cyclist. Which insurance company is liable to compensate the loss to motor cyclist? 5
 - (b) Santhosh insured his sugar in the godown against fire for an amount of Rs. 50 lakhs. In a fire accident his sugar stock worth of Rs. 38 lakhs lost by fire. To what extent insurance co. is liable for the loss. 5
3. (a) What is Insurable interest? State the insurable interest in life insurance. 5
- (b) "The sum assured under this type of policy is paid to the assured only when he survives till the maturity of the policy"— mention the kind of the life insurance policy mentioned here and elaborate the same. 5
4. (a) "The risk insured against in a life policy is death and death may be caused by disease, accident, negligence or wilful acts of himself or of a third person" — in the light of the statement mention the events insured against in life insurance. 5
- (b) Mention the categories of the persons entitled to payments after the maturity of the policy by death in life insurance policies. 5

5. (a) What is the process of registration of the insurance companies in India? With regard to the same mention the provisions under Insurance Act, 1938. 5
- (b) Write short note on: 5
- (i) Recent reforms with regard to the insurance laws in India
- (ii) Accounts and balance sheets of the companies.
6. (a) What is the process of transfer to public ownership of General Insurance Business under the provisions of General Insurance Business Nationalisation Act, 1972? 5
- (b) Mention in brief the liability of the employers under the Public Liability Insurance policies. 5
7. Answer any *four* of the following: 5×4 = 20
- (a) Mediclaims
- (b) Claims on life insurance policies
- (c) Insurance Joint Ventures
- (d) Assurance and insurance
- (e) Principle of Probability
- (f) Difference between Warranty and Representation.

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INSURANCE LAW

Time Allotted: 2 Hours

Full Marks: 50

The Questions are of equal value

**Students shall attempt Question No. 7 compulsorily
and any three questions from the rest**

1. (a) What is Insurance? What are the elements of contract of Insurance? 5
(b) What is Insurable interest? State the insurable interest in life insurance. 5
2. Decide the following case:
 - (a) Shankar received the insurance amount in full and final settlement of his claim. But the company made a delay in payment of the amount. Whether Shankar is having right to make a complaint for delay in payment? 5
 - (b) Guru obtained Mediciclaim Policy for him. Within one month of the policy obtained he admitted to the hospital. Company issued the certificate to Guru that he is entitled to receive the benefits under the policy, but subsequently repudiate to claim the amount on the grand that illness occurred within a month from commencement of the policy whether company estopped from raising objection? 5
3. (a) What is indemnity and subrogation in Insurance? 5
(b) "A ship is warranted to sail from Bombay with '50 hands or upwards'. She sails from Bombay with a crew of 45 only but afterwards takes 8 more. The warranty is not exactly complied with and the insurer is not liable"- mention the rule of the warranty in an Insurance policy and elaborate the same. 5
4. (a) "A life insurance policy may be assigned as a security for the repayment of loan taken by the assured when it may be called a mortgage"- in the light of the statement mention about the assignments creating security in the life insurance policy. 5
(b) Mention the exceptions of the doctrine of "*suicide felo de se*". 5
5. (a) Discuss the doctrine of proximate cause in fire insurance. 5
(b) Write short note on – 5
 - (i) Days of Grace in Life Insurance
 - (ii) Nomination of Life Insurance Policy.

6. (a) What is the process of grievance redressal for the customer grievances before the IRDA authority?
(b) Mention to brief the liability of the employers under the Public Liability Insurance policies.

5
5
5×4 = 20

7. Answer any *four* of the following:

- (a) Rural Insurance Policy.
(b) Doctrine of subrogation.
(c) Doctrine of contribution.
(d) Re-insurance.
(e) Cancellation and suspension of policies.
(f) Renewal of insurance policy.

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UNIVERSITY OF NORTH BENGAL
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LAND LAW

PAPER CODE- CC 17

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. Elaborately discuss the rights and duties of the Raiyat under the W.B. Land Reforms Act, 1955 alongside highlighting the restrictions imposed on the Raiyat under the said Act. 10
2. (a) Define the term 'landlord' and 'tenant' under the W.B. Premises Tenancy Act, 1997. 4
- (b) Highlight the rights and duties of the tenant under the W.B. Premises Tenancy Act, 1997 along with relevant case laws. 3
- (c) Discuss the safeguards available to the tenants under the W. B. Premises Tenancy Act, 1997 against illegal eviction by the landlord. 3
3. (a) Elucidate on the Concept of 'Public Policy' under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Cite relevant case laws in this regard. 4
- (b) Comment on the case of Kedarnath Yadav v. State of West Bengal (Civil Appeal No. 8438 of 2016). 6
4. Write an explanatory note on the principles of distribution of land under the W.B. Land Reforms Act, 1955. 10
5. Elaborate the various Constitutional provisions relating to land reforms highlighting the relevant constitutional amendment acts and the landmark case laws on this point. 10

6. (a) What is 'Fair Rent'?
- (b) Explain the provisions relating to 'fair rent' under the W. B. Premises Tenancy Act, 1997 along with case laws.
7. Write short notes on any *four* of the following:
- (a) Comment on the scope of Alienation of Land by SCs and STs
- (b) Operation Barga
- (c) Social Impact Assessment Study
- (d) Exemption form Ceiling limit under the W.B. Land Reforms Act, 1955
- (e) Grounds of eviction of tenants
- (f) Land Reform Measures in India
- (g) Rights of Bargadar.

5×4 = 20

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LAND LAW

Time Allotted: 2 Hours

Full Marks: 50

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Answer Question No. 7 and any three from the rest

1. (a) Comment on the obligation of the Raiyat under the W.B. Land Reforms Act, 1955. 4
(b) Highlights the provisions of ceiling limit of a land for a raiyat in the context of the given Act. 6
2. (a) State the provisions relating to the restrictions on the alienation of the land by SCs and STs along with the relevant case laws. 6
(b) Write a note on the powers of the authorities under the W.B. Land Reforms Act, 1955 with relevant case laws. 4
3. Discuss the provisions relating to Social Impact Assessment Study under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. 10
4. (a) Elaborately discuss the grounds of eviction of tenants as provided under the W.B. Premises Tenancy Act, 1997. 6
(b) Is there any safeguard under the given act available to the tenants for unlawfully eviction by the landlord? Give your answer with reason citing relevant provisions of the W.B. Premises Tenancy Act, 1997 and case laws. 4
5. (a) On what grounds land is vested on the state under the W.B. Land Reforms Act, 1955? Cite relevant case laws in this respect to illustrate the matter. 4
(b) State the consequences of the misuse of land that is being settled by the State Government under the provisions of the W.B. Land Reforms Act, 1955. 4
(c) Who is empowered to take possession of a vested land under the said Act? 2
6. Elucidate the different land reform measures in India that took place in the pre-independence and post-independence era. 10

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

- (a) Principles of distribution of land
- (b) Obligations of 'Tenant' under the W.B. Premises Tenancy Act, 1997
- (c) Pre-emption
- (d) Grounds of Acquisition of Land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- (e) Constitutional Provisions relating to land reform
- (f) Fair Rent
- (g) Powers of the Rent Controller under the W.B. Premises Tenancy Act, 1997.

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UNIVERSITY OF NORTH BENGAL
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TRANSFER OF PROPERTY ACT

PAPER CODE-CC18

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

Answer any **three** questions from number no. 1 to 6 and question no. 7

1. Explain the difference between English mortgage and Simple mortgage. 10
2. How a lease can be determined. Explain. 10
3. Explain the rights of the seller and buyer. 10
4. Explain the concept of vested interest and contingent interest. 10
5. Explain part performance under Transfer of Property Act. 10
6. Define gift. Essentials of a valid gift and how a gift can be revoked. 10
7. Write any **four** short notes on the following: 5×4 = 20
 - (a) Explain immovable property
 - (b) Explain constructive notice under Transfer of Property Act
 - (c) Explain the concept of Actionable claim
 - (d) Define lease
 - (e) Define lis pendens
 - (f) Explain the concept of transfer by ostensible owner.

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UNIVERSITY OF NORTH BENGAL
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HEALTH LAW

PAPER CODE-GE02

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

Answer Question No. 7 and any four from the rest

1. (a) Explain medical negligence with respect to tort. 6+4
(b) Give an account of the different remedies available in cases of medical negligence.
2. "It is the responsibility of the government to provide adequate medical aid to every person and to work in the welfare of the general public." 6+4
(a) Explain the above mention statement with the help of relevant case laws.
(b) What are the salient features of the national Health Policy in Inida?
3. (a) Discuss the principle applied in Bhopal Gas Leak case. 6+4
(b) What are the substantive principles for seeking remedy under law of tort?
4. (a) Define Medical Jurisprudence. 4+6
(b) Explain the right to health as an integral part of the right to life under Article 21 of Indian Constitution.
5. (a) Discuss the measures that could be adopted for the prevention of mental illness in the light of Mental Health Act 1987. 6+4
(b) Write a short on mental illness.
6. (a) Discuss medical liabilities of Doctors towards the patients under the Consumer Protection Act, 1986. 6+4
(b) Elucidate doctor-patient relationship.
7. Write short notes on any **two** of the following: 5×2 = 10
(a) Amniocentesis
(b) Negligence in eye camps
(c) Directive Principles of State Policy and Health
(d) Autopsy.

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HEALTH LAW

Time Allotted: 2 Hours

Full Marks: 50

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

1. (a) Explain principle of vicarious liability with the help of relevant case laws. 6+4 = 10
(b) Discuss doctor-patient relationship.
2. (a) Explain the consequences of hazardous chemicals to the life of an individual with reference to the directions given by Supreme Court in M.C. Mehta vs. UOI AIR 1987 SC 1086. 6+4 = 10
(b) Write a short note on negligence in eye camps.
3. (a) Explain Directive Principle of State Policy in relation to health. 6+4 = 10
(b) Write a note on Autopsy.
4. "It is the responsibility of the government to provide adequate medical aid to every person and to work in the welfare of the general public." Explain the above mention statement with the help of relevant case laws. 6+4 = 10
5. (a) Write a note on prevention of death of unborn. 4+6 = 10
(b) Discuss the legal issues of termination of pregnancy.
6. (a) What are the rules and regulations governing the disposal of surgical wastes? 6+4 = 10
(b) What are the rights of an unborn?
7. Write short note on any **two** of the following: 5×2 = 10
 - (a) Termination of surgical waste
 - (b) Exhumation
 - (c) Directive Principles of State Policy and health
 - (d) Res ipsa loquitur.

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LAW OF EVIDENCE

Time Allotted: 2 Hours

Full Marks: 50

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Answer Question No. 7 and any three from the rest

1. Define 'Confession' along with its essentials. What type of confessions are inadmissible under the Indian Evidence Act, 1872? 6+4
2. Discuss the concept of 'Res Gestae' 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
4. Explain the doctrine of 'estoppel'. Can there be an estoppel against statute? 6+4
5. What do you understand by 'expert opinion?' Discuss with suitable case laws. 10
6. (a) Write a short note on presumption of facts under the Indian Evidence Act, 1872. 6+4
(b) Write a short note on 'Opinion Evidence.'
7. Write short notes on any **four** of the following: 5×4 = 20
 - (a) Test Identification Parade
 - (b) Occasion, cause or effect
 - (c) Proved, Disproved and Non proved
 - (d) Privileged communication
 - (e) Primary Evidence and Secondary Evidence
 - (f) Burden of proof.

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