

2011
(DECEMBER)

BACHELOR OF LAW
(Law of Taxation)

Course No: L-11

Full Marks : 100

Time : 3 hours

The figures in the margin indicate full marks for the questions

*Answer any six questions including question No.1,
which is compulsory.*

1. Write short notes on any four of the following :- **5x4=20**
 - (a) Income.
 - (b) Assessee.
 - (c) Assessment Year.
 - (d) Residence.
 - (e) Salary.
 - (f) Profits and gains
2. An agriculturist grows jute and makes jute bags. He claimed that the income he derives from their sale is agricultural income and therefore, exempt from income tax, the Assessing officer did not agree. Decide giving reasons. **16**
3. Evaluate the taxation provisions given under the Constitution of India. **16**
4. Give critical analysis on agricultural income based on the case of *CIT v. Raja Benoy Kumar Shas Roy* (1957) 32 ITR 466 (SC) **16**

5. "The question of residence must be determined with reference to each year and the finding of residence during one year would not warrant the assumption that the assessee was resident in the year" Discuss. 16
6. "There can be many sources of income under one Head of Income, but there cannot be more than one Head for a particular source of income" Comment. 16
7. What is meant by 'annual value' of property chargeable to income-tax under the head 'Income from House Property'? 16
8. Enumerate the circumstances under which the income of spouse is liable to be included in the income of her husband. 16
9. Give critical analysis on VAT of Mizoram. 16
10. What are expenses wholly and exclusively spent for the purposes of business and professions? Explain with the help of decided cases. 16

2011

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BACHELOR OF LAW

(ENVIRONMENTAL LAW)

Course No: L-12

Full Marks : 100

Time : 3 hours

The figures in the margin indicate full marks for the questions

Answer any six questions, including question No.1, which is compulsory.

1. Write short notes on any four 5x4=20
 - (a) Kyoto Protocol, 1997
 - (b) Eco-System
 - (c) Hazardous Substances
 - (d) Occupier
 - (e) Air Pollution Control Areas
 - (f) Stockholm Conference on Human Environment, 1972
2. Discuss how the Fundamental Rights of the Indian Constitution contains provisions for the Protection and Improvement of the Environment. 16
3. "Environmental Pollution amounts to Civil wrong and by its nature it is a tort committed against the whole community" Explain with relevant case Laws. 16

(Turn Over)

3. What are the general powers of the Central Government for the protection and improvement of the Environment under the Environment Protection Act, 1986. 16

4. Discuss the provisions of the Environment Protection Act 1986 with regards to the prevention control and abatement of environmental pollution. 16

5. What is the function of the Central Board and the State Board under the Air (Prevention and Control of Pollution) Act 1981 for the prevention and control of Air Pollution. 8+8

6. Discuss the power of the State Government in relation to
(a) The power to give instruction for ensuring standards for emission from automobiles.

(b) The power to give permission to Operate Industrial Plant in Air pollution Control Area. 8+8

7. What is the object and scope of the Water (Prevention and Control of Pollution) Act 1974. 16

8. Comment on *any two* : (8+8=16)

- a) Hunting of Wild Animals under Wild Life (Protection) Act 1972.
- b) Section 2 of the forest (Conservation) Act 1980.
- c) Declaration and Protection of Sanctuary under Wildlife (Protection) Act 1972.

9. Discuss the important principles formulated by Rio Declaratin 1992. 16

10. Explain *any two* : 8+8=16

- a) Climate Change
- b) Ozone Depletion.
- c) Protection and Conservation of Bio-diversity.

LLB-12

2011

(DECEMBER)

BACHELOR OF LAW

**(Professional Ethics & Professional Accounting
System(Clinical-I)**

Course No: LLB-13

Full Marks : 60

Time : 2 hours

The figures in the margin indicate full marks for the questions

*Answer any five questions including question No.1,
which is compulsory.*

1. Write short notes on **any four** :- 5x4=20

- (a) Disqualification for enrolment as an Advocate.
- (b) Functions of State Bar Councils.
- (c) Punishment for contempt of Court.
- (d) Legal requirements for Advocate to maintain books of accounts.
- (e) Bar-Bench relations.
- (f) Seniors and other advocates.

2. Say 'Yes' or 'No' and give reasons for it by referring relevant

- Sections, Rules and leading authorities- (2x5=10)
- a) Advocates can go to strike.
 - b) Advocates cannot have right to lien of his Client's case file.

(Turn Over)

- c) Practising advocates can also take up law teaching in law colleges.
- d) An advocate may be a sleeping partner in a firm.
- e) Right of advocates to practise is a Constitutional Right and so it cannot be restricted.
3. Do you think the following amount to contempt of court? Say 'Yes' or 'No' and give reasons for it by referring relevant Sections, Rules or leading authorities. 2x5=10
- (i) A has made a complaint against District and Session Judge, Aizawl to the Gauhati High Court.
- (ii) B has published a matter which interferes the course of justice in connection with criminal proceeding pending at that time of publication.
- (iii) X has cited an overruled judgement of the Supreme Court of India before Aizawl Bench of Gauhati High Court in support of his case.
- (iv) Y has published an unfair comment on the merits of a case which has been heard and finally decided by the CJM, Aizawl.
- (v) A, B, C and D sit in protest against a judgement and order of the Supreme Court of India saying that the judgement violates fundamental rights.
4. Write in brief the principles of law laid down in 5+5
- (i) *BCI & High Court of Kerala* (2004) 6 SCC 311.
- (ii) *Arundhati Roy in re (contemner)* (2002) 3 SCC 343
5. (a) "Advocates to be the only recognised class of persons entitled to practise law." Comment. 5
- (b) X, an advocate after accepting fees in a criminal case does not attend the trial day-to-day. Has he committed breach of his professional duty? Give reasons. 5
6. Explain duty of an advocate - 2x5=10
- (a) to his opponent;
- (b) not to be solicited or advertised.
- (c) to render legal aid;
- (d) to society; and
- (e) not to be a party to forming litigation.
7. What is difference between civil and criminal contempts? Explain. 5
- (b) "The provisions incorporated in the Contempt of Courts Act, 1971 are supplemental to already existing law of contempt." Comment. 5
8. (a) What orders can be made by the disciplinary committee of a State Bar Council? Is it possible to make any order by it without giving notice to advocate concerned? 4+1=5
- (b) What is difference between guilty of professional and other misconduct in the light of Section 35 of the Advocates Act, 1961? Discuss. 5

2011
(DECEMBER)

BACHELOR OF LAW

(Intellectual Property Law)

Course No: LLB-14

Full Marks : 100

Time : 3 hours

The figures in the margin indicate full marks for the questions.

*Answer any six questions including question No.1,
which is compulsory.*

1. Write short notes on *any four* **5x4=20**
 - (a) Differences between Trademarks and Patent.
 - (b) Objects and functions of Copy Right Society .
 - (c) Opposition to grant Patent.
 - (d) Rights of registered proprietor of designs.
 - (e) Registrar of Geographical Indications.
2. Write a note on Intellectual Property. What is Commercial exploitation of Intellectual property ? **10+6=16**
3. What is Patent? Describe the object, value and International character of Patent. **6+10=10**

5. Write down the procedure for registration under the Trade Marks Act, 1999. What are the relative grounds for refusal of registration ?
8+8=16
6. Explain the evolution, functions and objects of trademarks law. What is the law of passing off ?
10+6=16
7. Explain Designs as Intellectual Property Rights. What are the rights of registered proprietor of design ?
10+6=16
8. Discuss the offences, penalties and procedure under the Geographical Indication of Goods (*Registration and Protection*) Act, 1999. **16**
9. Write a brief note on the nature of Copy Right. What are the rights conferred by Copy Right ?
6+10=16
10. Who are the persons entitled to apply for Patent and what is the procedure for such applications ?
16

LLB /15

2011
(DECEMBER)

BACHELOR OF LAW

**(Human Right and Practice)
(Optional)**

Course No: LLB-15

Full Marks : 100

Time : 3 hours

The figures in the margin indicate full marks for the questions

*Answer any 6 questions including question No.1,
which is compulsory.*

1. Write short notes on *any four* 5x4=20
 - (a) Right to food as a human right.
 - (b) Human Rights of Indigenous Peoples.
 - (c) Role of media in protection and promotion of human rights in India.
 - (d) Working of Mizoram State Commission for Women.
 - (e) Right to education under the Constitution of India.
 - (f) Second Generation of Human Rights.
2. Discuss meaning and nature of human rights highlighting different cultures and their approach to human rights. 16

(Turn over)

3. (a) Compare and contrast rights enumerated in Universal Declaration of Human Right (UDHR) and parts III & IV of the Constitution of India. 12

(b) Say "Yes" or "No" and give reasons. 2x2=4

(i) Articles 20 and 21 of the constitution of India case be suspended during National Emergency.

(ii) Right to life as enshrines in Article 6 of the ICCPR can be derogated in times of public emergency.

4. (a) State and explain the salient features of the Armed Forces (*Special Powers*) Act, 1958 (AFSPA) 10

(b) Write a short commentary on Justice Jeevan Reddy Committee's recommendations on AFSPA.

5. (a) Discuss power and functions of National Human Rights Commission (NHRC) 12

(b) X, a state in India where a student group gave a violent threat to expel a certain population of refugees residing there. In order to safeguard the life and personal liberty of those refugees NHRC move to the Supreme Court of India under Article 32 of the Constitution of India praying for appropriate remedies. Is NHRC competent of doing so under the Protection of Human Rights Act, 1993? 4

6. Write a short critical essay on the role of Supreme Court of India in protection and promotion of human rights to bring "Gender Justice" and "Pollution free environment" in India. 10+6=16

7. State and explain human rights of child as enshrined in Convention on Rights of Child, 1989. Also explain right against exploitation enumerated in Part III of the Constitution of India in detail. 10+6=16

8. (a) A's human rights as provided in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been infringed by her State, B. Advise A by explaining implementation mechanisms available under CEDAW and its Optional Protocols. 8

(b) State the following are whether human right or not and give reasons :- 2x4=8

- (i) Right to marriage and found a family.
- (ii) Right to self-determination
- (iii) Right to die with dignity.
- (iv) Right to development.

9. Discuss regional mechanism for enforcement of human rights in America under Inter-American Convention of Human Rights, 1969. Do you think this mechanism a effect? 16

10. Write a short commentary on *any two*:- 8+8=16

- (a) Purpose and general principles of the Convention on the Rights of Persons with Disabilities, 2006.
- (b) Derogable and non-derogable human rights.
- (c) Implementation of human rights stipulated in the ICCPR.