

Professional Course Examination, November/December 2019

(3rd Semester)

BACHELOR OF LAW

Paper : 3.1

(Environmental Law)

(Revised)

Full Marks : 80

Time : 3 hours

The figures in the margin indicate full marks for the questions

Answer **five** questions, taking **one** from each Unit

UNIT—I

1. Mr. A filed a writ petition by way of PIL to prevent XYZ industry which is located in the densely populated area from manufacturing hazardous substances. It was alleged that gases and smoke from the industry are harmful and hazardous to people living in the area. While the petition was pending, there was leakage of harmful gases from one of its units which caused death of many lives. Decide whether Mr. A will succeed and is entitled to any relief under Article 21 of the Constitution of India supported by relevant case laws. 16
2. How is public trust doctrine used as an effective judicial tool to protect and preserve environment? Discuss and explain the doctrine in the light of Span Motels Case and other relevant cases. 16

UNIT—II

3. Explain the various torts relating to environmental pollution. What are the remedies available for tort action? 16
4. The Sub-Divisional Magistrate of Aizawl District directed the Aizawl Municipal Council under Section 133 CrPC to abate the nuisance and ordering for the construction of side drain and drain pipes so as to stop the flow of dirty water in the road and to wash the filth and stop the rubbish. Discuss the validity of the order. 16

UNIT—III

5. Discuss the major international developments on environment which aim to protect the environment from any deterioration or harm which could be inflicted upon it since 1972 to the present day. 16
6. UN Conference on Human Environment, 1972 or the Stockholm Conference was a turning point in the international relations between various nations as it placed the issue of protection of biosphere on the official policy on environmental law. Discuss the scope of the statement from Stockholm to Rio and beyond. 16

UNIT—IV

7. (a) Discuss the decision made by the judiciary in balancing the Right to Religion of the People subject to the Noise Pollution (Regulation and Control) Rules, 2000. 8
- (b) Explain under Water (Prevention and Control of Pollution) Act, 1974 the procedure for taking water samples. 8
8. (a) Explain the Environmental Impact Assessment. 8
- (b) State and explain the powers of the State Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981. 8

UNIT—V

9. (a) What is National Green Tribunal? Discuss the scope, powers and jurisdiction of the National Green Tribunal citing relevant cases dealt under the Act. 8
- (b) Explain the consequences of use of forest for non-forest purpose under the Forest Conservation Act, 1980. 8
10. Explain the following : 8+8=16
- (a) Public Liability Insurance Act, 1991
- (b) Wildlife (Protection) Act, 1972

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

Ans. For questions taking one hour each Unit

Unit—V

1. Mr. A filed a writ petition by way of PIL to prevent XYZ industry which is located in the densely populated area from manufacturing hazardous substances. It was alleged that hazardous smoke from the industry is harmful and causes harm to people living in the area. While the petition was pending, there was leakage of harmful gas from one of its units which caused death of many people. Decide whether Mr. A will succeed and is entitled to any relief under Article 21 of the Constitution of India supported by relevant case laws. 15
2. How is public trust doctrine used as an effective judicial tool to protect and preserve environment? Discuss and explain the doctrine in the light of Span Motels Case and other relevant cases. 16

Professional Course Examination, November/December 2019

(3rd Semester)

BACHELOR OF LAW

Paper : 3.2

(Human Rights Law and Practice)

(Revised)

Full Marks : 80

Time : 3 hours

The figures in the margin indicate full marks for the questions

Answer **five** questions, taking **one** from each Unit

UNIT—I

1. (a) What are the sources of International Human Rights Law (IHRL)?
Discuss. 10
- (b) Differentiate between Natural Rights and Human Rights. 6
2. (a) What is Human Rights? What are the characteristics of Human Rights? 8
- (b) Discuss the different approaches to Human Rights classification. Which classification is most appropriate to your opinion with reference to the present position of International Human Rights Law? 8

UNIT—II

3. (a) Discuss the impact of Universal Declaration of Human Rights (UDHR) in the Indian Constitution. 8
- (b) Discuss the relevance of UN Charter in evolution of Human Rights Movement and standard settings. 8
4. Discuss various Human Rights enumerated in the International Covenant on Civil and Political Rights (ICCPR) and compare it with the Fundamental Rights enshrined under Part III of the Constitution of India. 16

UNIT—III

5. Explain the Convention on the Elimination of All Forms of Discrimination against Women, 1979. Is this Convention applicable to India? Discuss in the light of *Vishaka vs. State of Rajasthan*, AIR 1997 JC 3011. 16
6. Discuss the rights of child under the Convention on Rights of Child, 1989 by highlighting the relevant provisions of the Constitution of India and leading case law. 16

UNIT—IV

7. Write notes on any *two* of the following : 8×2=16
- (a) European Court of Human Rights (ECHR)
- (b) Inter-American Court of Human Rights (IACHR)
- (c) Human Right Committee
8. Critically examine the role of Human Rights' NGOs in the promotion and protection of Human Rights in India and Mizoram with special reference to rights of child, women and persons with disabilities. 16

UNIT—V

9. (a) State and explain the working of Mizoram State Commission for Women. 8
- (b) Do you think the Armed Forces (Special Powers) Act, 1958 should be repealed? Discuss in the light of various provisions of the Act and major recommendations of different committee or commissions. 8
10. State and explain the constitution, powers and functions of National Human Rights Commission of India. 16

(Human Rights Law and Practice)

(Revised)

Full Marks : 70

Time : 3 hours

The figures in the margin indicate full marks for the questions

Answer five questions, taking care to cover each Unit.

Unit - I

1. (a) What are the sources of International Human Rights Law (IRPL)? Discuss. 10
- (b) Differentiate between National Rights and Human Rights. 6
2. (a) What is Human Rights? What are the characteristics of Human Rights? 8
- (b) Discuss the different approaches to Human Rights classification. Which classification is most appropriate to your opinion with reference to the present position of International Human Rights Law? 8

Professional Course Examination, November/December 2019

(3rd Semester)

BACHELOR OF LAW

Paper : 3.3

(Labour and Industrial Laws)

(Revised)

Full Marks : 80

Time : 3 hours

The figures in the margin indicate full marks for the questions

Answer five questions, taking one from each Unit

UNIT—I

1. What are the objects and scope of the Industrial Disputes Act, 1947?

Explain various authorities under the Act with special reference to settlement of industrial dispute.

6+10=16

2. What is lockout? Whether a notice is necessary before declaring lockout?

If so, under what circumstances a notice can be dispensed with? What are the consequences of illegal lockout? Illustrate your answer.

4+2+5+5=16

UNIT—II

3. What is the jurisdiction of Labour Court under the Industrial Disputes Act, 1947? Also discuss its power and duties.

6+10=16

4. Discuss in detail the difference between 'layoff' and 'retrenchment'. Explain the provision regarding procedure of retrenchment. Discuss the reliefs provided under the Act to a retrenched person. 8+4+4=16

UNIT—III

5. What is the mode of registration of trade union and under what circumstances a certificate of registration of trade union may be withdrawn or cancelled by Registrar? Also discuss the Rights and Immunities available to a registered trade union under the Trade Union Act, 1926. 8+8=16
6. (a) State the meaning of 'occupational disease' under the Employees' Compensation Act, 1923. 8
- (b) Who is employer under the Employees' Compensation Act, 1923? What are the conditions required for receiving compensation for Personal Injury caused by accident? 4+4=8

UNIT—IV

7. (a) Give the salient features of the Maternity Benefit Act, 1961. 8
- (b) Discuss in detail the contribution by employer and employee under the Employees' Provident Fund Act, 1952 and its scheme. 8
8. What are the benefits enjoyed by workers under the Employees' State Insurance Act, 1948? Also mention the adjudications of disputes under the Act. 8+8=16

UNIT—V

9. Define and explain the following : 8+8=16
- (a) Minimum wage
- (b) Fair wage and Living wage
10. Discuss in detail the salient features of the Factories Act, 1948 by stating the evolution and object of the Act. 16

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Professional Course Examination, November/December 2019

(3rd Semester)

BACHELOR OF LAW

Paper : 3.4

[Professional Ethics and Professional Accounting System (Clinical—I)]

(Revised)

Full Marks : 60

Time : 3 hours

*The figures in the margin indicate full marks for the questions*Answer any **six** questions**1. Write on any two of the following :**

5×2=10

(a) Disqualification for enrolment as an Advocate on State roll

(b) Senior Advocate and Other Advocates

(c) Contemner

2. Write on any two of the following :

5×2=10

(a) Right of pre-audience

(b) Advocate's duty towards client

(c) Functions of the State Bar Council

3. Write the duties of Advocate towards—
 - (a) the Court;
 - (b) the Colleague. 6+4=10
4. Discuss the development of legal profession in India and its importance in the administration of justice. 10
5. Write notes on the following : 5+5=10
 - (a) Persons who may be admitted as an Advocate on State roll
 - (b) Bar-Bench relations
6. Discuss the powers and functions of the Bar Council of India. 10
7. Examine in brief the principles of law laid down in—
 - (a) *Prahlad Saran Gupta vs. Bar Council of India* (1997) 3 SCC 582;
 - (b) *M. Veerabhadra Rao vs. Tek Chand* (1984) Supp. SCC 571. 5+5=10
8. What do you mean by Contempt of Court under the Contempt of Court Act, 1971? Discuss different kinds of Contempt of Court. 4+6=10
9. Discuss the defences available to the contemner in the proceeding for criminal contempt under the Contempt of Court Act, 1971. 10
10. What is professional misconduct? Discuss the powers and function of the Disciplinary Committee of State Bar Council to punish an Advocate for professional or other misconducts. 3+7=10

Professional Course Examination, November/December 2019

(3rd Semester)

BACHELOR OF LAW

Paper : 3.5.2

(**Cyber Law**)

(Revised)

Full Marks : 80

Time : 3 hours

The figures in the margin indicate full marks for the questions

Answer **five** questions, taking **one** from each Unit

UNIT—I

1. Define 'cyber space'. Discuss in detail the law defining cyber laws. 16

2. Write short notes on the following : 8+8=16

(a) Internet jurisdiction

(b) Jurisdiction cases in International Cyber Law

UNIT—II

3. Explain the following : 8+8=16

(a) Advantages of e-commerce over ordinary commerce and its various kinds

(b) UNCITRAL model law on e-commerce

4. What do you mean by electronic and digital signature? Explain how the IT Act brings changes in the Cyber World. 16

UNIT—III

5. Explain how the two elements of Crime viz. *Mens rea* and *Actus reus* equally applicable in Criminal Law and Internet Crime. 16
6. What are different types of crime in Internet? 16

UNIT—IV

7. Define 'obscenity' and 'pornography'. State and explain the Indian Law on Obscenity and Pornography with latest development and leading case laws. 16
8. Explain any *two* of the following : 8×2=16
- (a) Defamation on Internet
 - (b) Applicability of IPC provisions in Cyber Crimes
 - (c) Cyber stalking legislation

UNIT—V

9. Elucidate the offences and penalties enlisted under the provisions of the Information Technology Act. 16
10. Explain the following : 8+8=16
- (a) Penalty for damage to computer or computer system
 - (b) Power to adjudicate in Cyber Crime
