

2023

LAW OF TRADE MARKS AND DESIGN — HONOURS

Paper : I

Full Marks : 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Answer *any four* questions.

1. (a) What do you understand by 'Good Trade Mark'?
 - (b) Discuss the law relating to Deceptive similarity with reference to the Trade Marks Act and Judicial decisions in Indian perspectives. 6+14
 2. Describe the law relating to registration of Trade Marks in India with reference to the Trade Marks Act of judicial decisions. 20
 3. (a) Explain the concept of Goodwill.
 - (b) Discuss protection of Trade Marks and Goodwill with reference to Indian legal provisions and judicial decisions. 5+15
 4. Discuss powers and functions of Registrar of Trade Marks in India. 20
 5. Discuss relevant laws relating to assignment and transfer of Trade Mark in India. 20
 6. (a) Explain the concept of Industrial Design as Intellectual Property.
 - (b) Discuss the subject matter of Industrial Design with reference to Indian law. 5+15
 7. Discuss the law relating to infringement of design and remedies available in India. 20
 8. Write short notes on *any two* of the following : 10×2
 - (a) Novelty and Originality
 - (b) Domain name
 - (c) Associated Trade Mark
 - (d) Registered user of Trade Mark.
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INSURANCE LAW — HONOURS

Paper : II

Full Marks : 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Answer *any four* questions.

1. Explain the term 'Contract of Insurance' and describe its nature, scope and fundamental elements of Contract of Insurance. 5+15
 2. Discuss the nature and scope of Marine Insurance in the light of the Marine Insurance Act, 1963. 20
 3. Discuss the salient features of the Public Liability Insurance Act, 1991 along with judicial pronouncements. 20
 4. What are the rights of the insurer on the outbreak of fire? What are the duties of the insured on the outbreak of fire in the insured property? 10+10
 5. How is Life Insurance Contract different from the other classes of Insurance? Also, critically analyse the process of nomination of a Life Insurance Policy. 10+10
 6. Write object and reasons on *any two* of the following : 10×2
 - (a) The Indian Fatal Accident Act, 1955
 - (b) The Motor Vehicles Act, 1988
 - (c) Fire Insurance.
 7. What is meant by term 'Risk'? Analyse the scope of 'Risk' and its application in various class of Insurance. 20
 8. Write notes on (*any two*) : 10×2
 - (a) Health Insurance
 - (b) Subrogation
 - (c) Third Party Risk.
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HUMAN RIGHTS LAW AND PRACTICE

Paper : I

Full Marks : 80

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Candidates are required to give their answers in their own words.

Answer *any five* questions.

1. (a) Define the term 'Human Rights'. 4+12
(b) What are the instruments that constitute the International Bill of Rights? 12+4
 2. (a) Explain the relationship between 'Human Rights' and 'Fundamental Rights' under the Constitution of India. 16
(b) Write a note on 'Human Rights of Women'. 16
 3. Examine the role of the Indian Judiciary in the protection and promotion of human rights in India. 16
 4. Discuss the powers and functions of National Human Rights Commission as laid down in the Protection of Human Rights Act, 1993. 16
 5. Discuss about various rights recognized under the International Convention on the Rights of the Child, 1989. 16
 6. (a) Discuss the scope and ambit of the Protection of Human Rights Act of 1993. 10+6
(b) Discuss its important features relating to the protection of women. 8+8
 7. (a) Discuss the salient features of Universal Declaration of Human Rights. 16
(b) Examine the binding effect of the Declaration on domestic system of laws. 16
 8. Explain the interconnection between human rights jurisprudence and Right to life guaranteed under Article 21 of the Constitution of India with decided cases. 16
 9. Compare and contrast between the 'Fundamental Rights' under the Constitution of India and 'Human Rights Covenant'. 16
 10. Write short notes on *any two* of the following : 8×2
 - (a) Public Interest Litigation
 - (b) Civil and Political Rights
 - (c) Human Rights and Environment Protection.
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2023

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

Paper : II

Full Marks : 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Group - A

Answer *any three* questions.

1. (a) What do you mean by 'Interpretation of Statutes'? Discuss.
(b) Is there any difference between construction of statutes and interpretation of statutes? 10+6
2. (a) What is Golden Rule of Interpretation? Explain with case laws.
(b) Discuss the rule of Harmonious Construction of Statute. 8+8
3. "Intention of the legislature is a common but slippery phrase."— (Watson). Explain the relevance of judicial interpretation of the intention of the legislature. 16
4. (a) Discuss the 'Mischief Rule' and state the reason why often it is termed as the 'Heydon's Rule'.
(b) Discuss the Doctrine of Severability and Doctrine of Colourable Legislation. 6+10
5. Explain the maxims (*any two*) :
(a) *Ejusdem Generis*
(b) *Noscitur a Sociis*
(c) *Generalia Specialibus non-derogant.* 8+8
6. What is meant by internal aids to construction of statutes? Explain how preamble and proviso are internal aids. 16

Group - B

Answer *any one* question.

7. Write short notes on (*any four*) : 4×4
(a) Union Territory
(b) Collector
(c) India

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- (d) District Judge
- (e) Service by post
- (f) Month and Year.

8. Discuss the salient features of the General Clauses Act, 1897 in brief.

8+8

Group - C

Answer *any one* question.

9. (a) Discuss the nature and scope of Legislation.

(b) What do you understand by the term 'Delegated Legislation'?

8+8

10. Briefly discuss the different types of Legislative Instruments.

16

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ENVIRONMENTAL LAW

Paper : III

Full Marks : 80

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*Candidates are required to give their answers in their own words
as far as practicable.*

Answer *any five* questions.

1. Rio Declaration is the reaffirmation of the Stockholm Declaration with the object to establish global partnership to protect human environment.– Explain. 16
2. (a) Discuss 'Polluter pays Principle'.
(b) Explain the principle laid down by the Supreme Court of India in the Oleum Gas Leak case. 8+8
3. (a) Briefly discuss the emergency measures that the State Board may take to mitigate air pollution under the Air (Prevention and Control of Pollution) Act, 1981.
(b) Discuss the significance of the 'Taj Trapezium' case as decided by the Apex Court in the area of air pollution. 8+8
4. (a) Discuss the concept of 'Consent Mechanism' in respect of the State Board as a safeguard against air pollution as provided in the Air (Prevention and Control of Pollution) Act, 1981.
(b) Briefly discuss 'Absolute Liability' and its development in India with reference to decided cases. 8+8
5. (a) Define the term 'Hazardous Substance' according to the Environment (Protection) Act, 1986.
(b) What kind of restrictions have been imposed by the Environment (Protection) Act, 1986 for emission or discharge of Environmental Pollutants?
(c) Discuss the power of the Central Government to take measures to protect and improve the environment as laid down under the Environment (Protection) Act, 1986. 2+6+8
6. Explain how 'Public Interest Litigation' has emerged as a weapon to redress the grievances of the people suffering from the hazardous effect of the pollution on environment and ecology. 16
7. (a) Discuss the relevant provisions with regard to collection of sample of water under the Water (Prevention and Control of Pollution) Act, 1974.
(b) Write a brief note on the Wildlife (Protection) Act, 1972. 8+8

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8. "The Directive Principles under the Constitution of India are directed towards ideals of building Welfare State."— Elucidate with relevant constitutional provisions and case laws. 16
9. (a) How does the State Government constitute an area as 'National park' under the provision of the Wildlife (Protection) Act 1972?
(b) Write a note on Noise Pollution. 10+6
10. Write short notes on *any four* of the following : 4×4
- (a) Strict Liability
 - (b) Kyoto Protocol
 - (c) Sustainable Development
 - (d) Green Bench
 - (e) Sanctuary.
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2023

LABOUR AND INDUSTRIAL LAWS - I

Paper : IV

Full Marks : 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Answer *any five* questions.

1. (a) What do you mean by the term 'Factory' under the Factories Act, 1948?
(b) Explain the various measures regarding the protection of the 'Health' of workers under the Factories Act, 1948. 4+12
2. (a) Define the term 'Manufacturing Process'.
(b) What are the general duties of 'Occupier' of a factory? 4+12
3. (a) Define the term 'Employer' and 'Wages' under the Minimum Wages Act, 1948.
(b) Discuss the procedure to be followed in fixing the minimum rate of wages in an industry. 6+10
4. (a) Explain 'Fair Wages' and 'Living Wages' under the Minimum Wages Act, 1948.
(b) Who will be appointed as an 'Inspector' under the Minimum Wages Act, 1948? 8+8
5. (a) What are the procedures for determination of period of wages and how the wages of the employee will be disbursed?
(b) What is the object behind the enactment of Payment of Wages Act, 1936? 10+6
6. Discuss the Constitution of the 'Corporation' under the Employees State Insurance Act, 1948. What types of establishments come within the purview of the above Act? 12+4
7. (a) What shall be the amount of compensation to be paid to the worker or his dependent?
(b) What is the liability of the Principal and the Contractor in respect of compensation payable under the Workmen's Compensation Act, 1923? 8+8
8. Discuss briefly the main provisions of the Fatal Accidents Act, 1885. 16
9. (a) Explain the concept 'Social Security'.
(b) Discuss briefly the law relating to resignation, cessation and disqualifications of the membership of the Corporation. 4+12

Please Turn Over

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

4×4

- (a) Insured Person
 - (b) Standing Committee
 - (c) Authorised Deductions
 - (d) Objectives of Labour Laws
 - (e) Claims
 - (f) Need Based Minimum Wage.
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