

**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB
MOHINDRA KOTHI, THE MALL, PATIALA - 147 001**



**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
FIFTH SEMESTER
SUBJECT: PENAL LAW - I
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.
- (i) Right to Self-defence cannot be measured in golden scales. Elaborate.
 - (ii) What is meant by Criminal conspiracy? Illustrate your answer with case laws. Also explain the difference of Abetment by conspiracy and Criminal Conspiracy?
 - (iii) What is 'Mens rea'? Is *Mens rea* an essential ingredient of a Criminal offence? Discuss while citing leading authorities on the subject.
 - (iv) What is the difference between the provisions of Sections 182 and 211 of I.P.C.? Can a person who has been prosecuted under Section 211 be convicted under Section 182 on the same facts? Explain.

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks**.
- (i) Define Public Servant
 - (ii) Difference between Dishonestly and Fraudulently
 - (iii) Define Solitary Confinement
 - (iv) Defence of *Trifling act*
 - (v) Abettor
 - (vi) Difference between Rioting and Affray

- (vii) Explain Furnishing False Information
- (viii) Punishment for danger or obstruction in Public way or line of navigation
- (ix) Punishment for sale of Obscene matter/object to Young Persons
- (x) When person concerned in Criminal act may be guilty of different offences?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) 'A' and 'B' proceed to assault 'X' simply with fists, but on their reaching the spot, 'C' one of the bystander joins in affray, pulls out a knife and stabs 'X'. Discuss the liability of A, B and C.
- (ii) M, had history of insanity in his family. His father had died in mental hospital, where his brother was also a patient. One night, M picked up his only son and threw him out of the window. After this he strangled two of his daughters to death and made an attempt to strangle his wife too. Her cries brought the neighbours to the spot. On seeing them, M ran away and by the shortest route reached the Police Station where he surrendered himself. Discuss the liability of M.

Unit (II)

- (i) While 'J', was committing theft in K's house, he was surprised by L, a tenant of K. J took to his heels carrying with him the stolen jewelery. L, chased him but J escaped by entering his house and shutting the door. L, scaled over the wall and jumped into J's house with a view to take back the stolen property. L, raised a 'Lathi' to strike J who to counter the danger shot L

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dead. J was arrested and put to trial for murder of L. J argues for right to Private Defence. Can he ask for this defence?

- (ii) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, administers the poison to Z in A's absence and thereby causes Z's death. Discuss their liability.

Unit (III)

- (i) Discuss with case laws the theory of Constructive Liability.
- (ii) A, being legally bound to appear before the High Court at Calcutta, in obedience to a *Subpoena* issue from the court, intentionally omits to appear. Explain the kind of offence committed by him.

Unit (IV)

- (i) A, makes a false entry in his shop-book for the purpose of using it as Corroborative Evidence in a court of Justice. Has he committed any offence? Explain.
- (ii) A, knowingly that B has committed dacoity, conceals B in order to screen him from legal punishment, which is life imprisonment. Has A committed any offence?

Unit (V)

- (i) Explain the offence of 'Public Nuisance'
- (ii) A assaulted B who is a 'granthi' (Priest) of a Gurdwara and also uttered offending words against serenity of Gurdwara. Has A committed any offence?

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
FIFTH SEMESTER
SUBJECT: CORPORATE LAW - I
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) What are the advantages of Incorporation?
 - (ii) Distinguish a Company Limited by shares from a Company Limited by Guarantee.
 - (iii) Under what circumstances alteration in Memorandum can be made?
 - (iv) Why Articles of Association are regarded as binding?
 - (v) Explain a Shelf Prospectus
 - (vi) What is Demat form?

- (vii) What are the disqualifications for being a Director?
- (viii) When Managing Director in a Company can be appointed?
- (ix) When the Company Law Board has power to call a meeting?
- (x) Who is the Chairman of a meeting?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Distinguish a Company from a Partnership firm.
- (ii) Explain the doctrine of lifting of Corporate Veil.

Unit (II)

- (i) What is pre-incorporation contract?
- (ii) Explain Doctrine of Indoor Management.

Unit (III)

- (i) Explain a Statement in lieu of Prospectus.
- (ii) What is
 - (a) an issuing House
 - (b) Deemed Prospectus?

Unit (IV)

- (i) What are the powers of Board of Directors?
- (ii) Discuss the position of any two
 - (a) Secretary
 - (b) Sole Selling Agent
 - (c) Managing Agent

Unit (V)

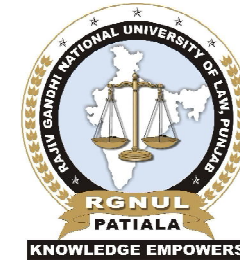
- (i) Discuss voting Procedure in a meeting.
- (ii) Can a Meeting be forced on a Company?

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) What are the contents of a Memorandum of Association, what is the relation of Articles to Memorandum?
- (ii) What is meant by Misrepresentation in Prospectus, what are the remedies against it?
- (iii) Discuss Qualifications, position and duties of the Director.
- (iv) Discuss the procedure and requisites of various types of meetings.

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
FIFTH SEMESTER
SUBJECT: HUMAN RESOURCES LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) The concept of labour welfare enumerates from the concept of economic and social justice. Explain.
 - (ii) Explain the Doctrine of “Hire and Fire”
 - (iii) Whether a dispute relating to dismissed workman constitute an Industrial Dispute?
 - (iv) Explain Non-Adjudicatory Machinery under the *Industrial Disputes Act, 1947*
 - (v) Enumerate the Constitutional validity of the *Minimum Wages Act, 1948*

- (vi) Describe the various categories of wages under the *Minimum Wages Act, 1948*
- (vii) To which benefits an insured employee is entitled under the *Employees State Insurance Act, 1948*
- (viii) Differentiate between Gratuity and Pension
- (ix) Define migrant workman under the *Inter-State Migrant Workman (Regulation of Employment and Condition of Service) Act, 1979*
- (x) Explain the eligibility criteria for woman to claim maternity benefit

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Write explanatory note on Growth of Labour Legislation in India.
- (ii) Differentiate between 'Industrial Peace' and 'Industrial Harmony'.

Unit (II)

- (i) Define an "Award" and discuss their Publication and Enforcement under the *Industrial Disputes Act, 1947*.
- (ii) Can the General Funds of the Registered Trade Union's be utilised for promoting the Political Interests of its members?

Unit (III)

- (i) Define 'Minimum Wages' and distinguish it from 'Fair Wages'. Can 'Fair Wages' be fixed under the *Minimum Wages Act, 1948*?

- (ii) Define the term Compensation and distinguish it from Damages under the Civil Law.

Unit (IV)

- (i) What are the benefits payable to the dependents of an Insured Person under the *Employees State Insurance Act, 1948*
- (ii) Describe the Employees Right to Payment of Gratuity under the *Payment of Gratuity Act, 1972*.

Unit (V)

- (i) Write a detailed note on Rights of Child and The Constitutional Safeguards against the child labour in India.
- (ii) How does *Maternity Benefit Act, 1961* prohibit and regulate the employment of woman?

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) Describe the significance of Industrial Jurisprudence in the Era of Globalization.
- (ii) Discuss the Salient features of the *Factories Act, 1948*. Whether the Act has been able to achieve its aims and objectives in reality? Discuss with help of Case Laws.
- (iii) Theory of National Extension of Employer's premises is intended to cover accidents taking place in the journey of the workman from the place of his residence to the place of his employment and vice-a-versa. To what extent, this theory is made applicable in India? Answer with decided Case Laws.
- (iv) Discuss the circumstances under which a woman employee shall be entitled to maternity benefit under the *Employees State Insurance Act, 1948*. Can she combine maternity benefit with sickness benefit and claim both benefits simultaneously?

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
FIFTH SEMESTER
SUBJECT: CIVIL PROCEDURE CODE
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) Define 'Judgment Debtor'. How is it different from 'Decree Holder'?
 - (ii) Define 'Decree'. How is it different from 'Order'?
 - (iii) Define 'Foreign Court' and 'Foreign Judgment'.
 - (iv) What is '*Onus Probandi*'? On whom does it fall.
 - (v) What is a 'Counter Claim'? How is it different from 'Set off'?
 - (vi) Define 'Percept' and 'Garnishee Order'.

- (iii) What is 'Reference'? Explain its nature and scope. Distinguish 'Reference' from Appeal, Review and Revision.
- (iv) Define "Execution". Explain its nature and scope. Write a detailed note on the Modes of Execution enshrined under the *Code of Civil Procedure*. What are the questions to be determined by the executing court?

- (vii) What are 'Preliminary Issues'?
- (viii) Define 'Attachment'. Enlist five items/properties which are exempted from attachment.
- (ix) What is an inter-pleader suit?
- (x) Define an 'Indigent Person'.

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) How will you determine the territorial jurisdiction for filing a suit? Can by compromise/contract, you can restrict/agree upon territorial jurisdiction of a particular place?
- (ii) Write a short note on the 'Doctrine of *Res-Judicata*' as contained in the *Civil Procedure Code*, 1908.

Unit (II)

- (i) Define 'Representative Suit'. What are the conditions for filing a 'Representative Suit'?
- (ii) What are the provisions relating to amendment of pleadings? What are the changes in these provisions brought about by - recent amendment in the CPC, 1908?

Unit (III)

- (i) What are the essential elements required for grant of temporary injunction? Can an *ex-parte* injunction be granted against state?
- (ii) Write a Short note on 'Transfer of Civil Suits'.

Unit (IV)

- (i) Write short notes on the following:
 - (a) Suits relating to 'Public Nuisance'.
 - (b) Suits relating to 'Public Trusts'.
- (ii) Discuss provisions regarding serving statutory notice against Government or Public Officers before filing a suit. How and under what circumstances can serving such a notice be exempted?

Unit (V)

- (i) Define Appeal, Revision and Review. Can a point not taken earlier in the suit be raised for the first time in appeal?
- (ii) What is a *caveat*? What is the object of filing a *caveat*? For how many days it remains in force?

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) Write short notes on the following:
 - (a) Effects of Non-Appearance of parties in a civil suit
 - (b) Doctrine of '*Res-Subjudice*'
 - (c) Substituted Service
 - (d) Doctrine of '*Constructive Resjudicata*'
- (ii) Write short notes on the following:
 - (a) Purpose for which court may issue a 'Commission'
 - (b) Arrest before Judgment
 - (c) 'Reciever' in a Civil Suit
 - (d) Nature and Scope of admissions in a Civil Suit

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**B.A., LL.B. (HONS.) FYIC
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FIFTH SEMESTER
SUBJECT: PROPERTY LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.
- (i) How transfer can be made in favour of unborn person? How long vesting can be postponed in case of unborn child?
 - (ii) Define Mortgage. Describe rights and duties of Mortgagee?
 - (iii) Distinguish between 'Tenancy at Will' and 'Tenancy at Sufferance'. What are modes of creating tenancy? How can it be determined?
 - (iv) Resumable gifts are void, but conditional gifts are valid. Explain. Can gift be made to general public?

Note: The Question Paper consists of **Three Sections - A, B and C**.

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks**.
- (i) Can a person transfer property to himself under Transfer of Property Act? If yes, how?
 - (ii) Is surrender by a Hindu widow in favour of nearest reversioner a transfer?
 - (iii) Manager of joint Hindu family consisting of minor members alienated the ancestral house to P without any necessity. The minor members challenged the alienation. Decide.
 - (iv) A, mortgagee of vacant land transfers his right to B. B builds a

house on the land. The mortgager sues for redemption. Can B claim compensation under Section 51.

- (v) Define Marshalling
- (vi) Differentiate between Mortgage and Charge
- (vii) A lets his land to B at an annual rent of Rs. 500. A failed to put B in possession of part of the subject-matter of lease. Can B plead suspension of rent as a whole ?
- (viii) Is Partition an exchange?
- (ix) When gift becomes void?
- (x) Define 'Actionable Claim'

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) (a) Define scope of Transfer of Property Act.
 - (b) Whether trees are movable or immovable Property?
- (ii)(a) What is 'Spes-successionis'?
 - (b) 'Rule against perpetuity' is not applicable to certain transfer' Explain with illustration.
 - (c) A gifted his property to B for life on condition that after B's death, it would devolve on C, but if C dies before B then it would devolve on D. What is the nature of D's interest?

Unit (II)

- (i) What is the principle behind and the tenets of the 'Doctrine of lis Pendens'?

- (ii)(a) A is the owner of imam-lands which were in alienable by statute. A mortgage these lands to B. Subsequently statutory prohibition was removed by legislature. B sues to enforce the Mortgage. Decide.
 - (b) A and B agreed that X property belonging to A should be permanently leased to B. B was already in possession. On the basis of the said agreement B built a house on the land. Subsequently, A sues to evict B. Will he succeed?

Unit (III)

- (i) (a) Discuss the rights and duties of a buyer?
 - (b) A purchases a house from B. He is dispossessed by a trespasser. A sues B for damage for breach of the covenant for quiet enjoyment.
- (ii) Discuss 'Equity of Redemption? How it can be forfeited? Besides, Mortgagor who can exercise the right to redeem?

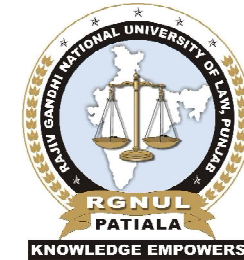
Unit (IV)

- (i) (a) Distinguish between lease and licence.
 - (b) A leases a mine to B and an adjoining mine to C. B removes certain pillars in his mine. C's mine is flooded. What is the remedy of C?
- (ii)(a) How lease can be forfeited?
 - (b) When license can not be revoked?

Unit (V)

- (i) (a) What is 'donatio mortis causa'?
 - (b) What are rights and obligations of Universal Donee?
- (ii)(a) What are the requisites of transfer of actionable claim?
 - (b) What is the scope of the warranty of debtor's solvency?

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DECEMBER - 2009
FIFTH SEMESTER
SUBJECT: HUMAN RESOURCES LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

(1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**

- (i) A wood cutter had a fall from a tree which he was cutting down for its timber under the guidance of his employer. But that fall transformed him as a paraplegic since the injury sustained by him had involved his spinal cord. He made a claim for the compensation. Will he succeed?
- (ii) Whether the failure to pay the minimum wages under the *Minimum Wages Act, 1948* amounts to violating of the fundamental rights guaranteed under the Indian Constitution?
- (iii) Explain the concept of 'Social Security'

mill doctor and some other doctors also came but nothing could be done to revive the 5 persons who were dead. The matter was reported to the Inspector of Factories and he went and made inquiries. It was found that suitable breathing apparatus and reviving apparatus, belts and ropes were not available anywhere in the factory and were not kept ready for the instant use besides the confined place. Discuss the liability of the appellant and under which sections of the *Factories Act, 1948* the appellant can be charged.

- (ii) There is trade union duly registered under the *Trade Unions Act, 1926*. The trade union failed to submit annual returns as per law. The Registrar of trade unions issued a notice and to show cause why the registration of the trade union should not be cancelled. The trade union gave a reply stating that due to the misunderstanding about the accounting year, the annual returns for the period ending March 31, 2000 were filed and not the period ending December 31, 2000 alongwith the certificate of the auditor. This was followed by the communication date June 26, 2002 along with annual returns ending December 31, 2000. After a long gap of 6 months, the Registrar passed the order of cancellation of registration on the ground that the explanation given by the trade union was not satisfactory. Discuss the case.

Unit (III)

- (i) Discuss in detail with the relevant case laws the procedure for the fixing and revising minimum wages under the *Minimum Wages Act, 1948*
- (ii) Deceased was employed as gang man in the railways. During his duty hours, he, along with other gang man working with him, was asked to shift to another site for cleaning the same and doing other odd jobs in connection with the Janamashtami celebrations. On the way, he was knocked down by a lorry on the public street and died as a result of the accident. Can the claimants of the deceased claim compensation. Discuss.

- (iv) Define 'Inter State Migrant Workman'
- (v) On June 30, 1996 at 5:30 a.m, the Inspector of Factories, Bhavnagar visited Saurashtra Metal and Mechanical Works, Wadhwan City, in which 100 workers were employed in working of machine. He found 7 workmen working on a machine and on examining the notice of period of work and register of workers he found that 3 of the workmen belonged to a group which was expected to begin work from 7 a.m. Whether Saurashtra Metal and Mechanical Work come under the definition of 'Factory' and if yes discuss the sections under the *Factories Act*, 1948 that are being violated.
- (vi) 'Controlling Authority' under the *Payment of Gratuity Act*, 1972
- (vii) 'Employment Injury' under the *Employees State Insurance Act*, 1948
- (viii) Industrial Peace and Industrial Harmony
- (ix) The Declaration of Rights of Child, 1959
- (x) Royal Properties Ltd. own several mansion houses known as Royal Mansions at Park Street, Bombay. There are about 300 flats in these mansions which have been let out to tenants. Owners of Royal Mansions provides various facilities to its tenants in these flats; e.g.; free supply of electricity, washing and cleaning of floors, lift services, sanitary repairs etc and for that purpose the owner employed over 50 persons namely sweepers, malis, collectors, liftman, mistries. A dispute arose between the owners of the Royal Mansions and people employed for providing the above services to the tenants of the mansions with regards to wages, scales of pay and gratuity. Discuss whether the dispute comes within the preview of the 'Industrial Dispute' under the *Industrial Disputes Act*, 1947

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Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) "The labour policy has proceeded on a realisation that the community as a whole, as well as individual employers are under an obligation to protect the welfare of the workers and to secure to them their due share in the gains of economic development." Discuss.
- (ii) "Social security measures are significant from two view points; firstly they constitute an important step toward the goal of welfare state. Secondly, they enable workers to become more efficient and thus reduce wastage arising from industrial dispute." Explain.

Unit (II)

- (i) The appellant is the occupier of Gopal Mills Ltd, Rajpura. There was a pit in the factory where dangerous fumes were likely to be present when the work in the factory was going on. The pit was securely covered and none was expected to go down into the pit for the normal work of the factory. But one day, when something went wrong with the machinery inside the pit, a labour named Ramesh was asked to go down into it to attend to it and he went down without wearing suitable breathing apparatus. Ramesh was overcome by the poisonous gases and dies. Thereafter 4 more labourers went down into the pit without wearing breathing apparatus and were over powered by the poisonous gases and died one after the other. After the death of these 5 labourers, the Superintendent of Municipal fire brigade was sent to get the breathing apparatus and other appliances. He went down into the pit to save the dying persons, but he was also attacked by the fumes and become unconscious. The

Contd.....P.4

- (iv) The deceased Ram was employed as a Gardner in the bungalow of the Assistant Manager of Assam Tea Estate. While on duty on July 1, 1997 at about 11:45 A.M. the deceased Ram felt chest pain and fell down and breathed his last breath on his way to the hospital. It was alleged that at the time when he fell down due to chest pain, he was cleaning the bushes and weeds from the court yard with a spade. On post mortem, cause of death was found to be asphyxia. Can the wife of the deceased claim compensation for his death. Decide.

Unit (IV)

- (i) How does the adjudication of disputes take place under the *Employees State Insurance Act, 1948*?
- (ii) The workman joined the service as a Director of Physical Education in a Government aided college and subsequently the said college was taken over by the State Government and he was absorbed in the service of the government. But later on the college was taken under the control of private management. Then he retired from the office. Discuss the provision in relation to computation of gratuity as regards of period of employment is concerned.

Unit (V)

- (i) Define a Child. Discuss in detail the regulation of the conditions of work of children under the *Child Labour (Prohibition and Regulation) Act, 1986*.
- (ii) “The *Maternity Benefit Act, 1961* is an act to regulate the employment of women in certain establishments for certain period before and after child-birth and to provide for maternity benefit and certain other benefits.” Elaborate this statement with the relevant provisions of law.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.
- (i) Ms. Raj Rani was appointed by the Indian Red Cross as a lower division clerk by an order dated 19th November, 1979 in her letter of appointment contained the following stipulation:
- “The post is temporary at present but is likely to continue. Her services are therefore terminable without notice and without assigning any reason.” She was continuing in her job till the

time she gave an application for maternity leave. On 28th April, 1980 the petitioner applied for maternity leave. In the application, she gave as her address during the leave period: 12/24 Tilak Nagar, New Delhi.

She contended that her leave was duly sanctioned and she proceeded thereon. The duration of the leave was three months. While on leave, she was surprised to receive communication dated 7th July, 1980 from the employers wherein it was stated that her services stood terminated with effect from the afternoon of 3rd May, 1980 and that intimation in this effect had been sent to her vide a memorandum dated 3rd May, 1980. The employer had also stated that this letter of 3rd May, 1980 had been posted by them to the address given by her in her typing test and joining report.

The address on this memorandum of the Ms. Raj Rani was reflected as 24/24 Tilak Nagar, New Delhi 110015.

Aggrieved by these communications from employer Ms. Raj Rani asserted that she has not received the communication dated 3rd May, 1980 and that the copy of this letter was sent to her only when she reported for duty. As a consequence, Ms. Raj Rani made a complaint to the labour authorities which were referred to the labour court for adjudication by an order of reference dated 28th May, 1981 which was on the following terms:

Whether termination of services of Ms. Raj Rani is illegal and/or unjustified and if so, to what relief is she entitled and what directions are necessary in this respect?

- (ii) An employee joined the service as a fitter in a factory on March 2, 1968 and resigned from service on December 10, 1978. At the time of his joining in the employment, the employee's age was 54 years and 3 months. The employee claimed gratuity. This claim was revisited by the employer on the ground that

the employee was entitled to gratuity only till the date he reached his superannuation which was 58 years and he has not completed 5 years of service by the time he attained 58 years of age.

Discuss this problem and whether this is a violation of the fundamental rights guaranteed under the Indian Constitution.

- (iii) The Straw Board Manufacturing Company (referred as Company) is a public limited company and owns two units known as the Straw board Mill and Regmal Mill (described as S. Mill and R. Mill). Straw board was manufactured in S. Mill and abrasive paper cloth described as Regmal was prepared in R. Mill. These two mills are situated close to each other with only a railway line intervening. Each has a factory registered separately under the *Factories Act*, 1948 but one balance sheet and one profit and loss account are prepared for the company as a whole consolidating the accounts of both the units. S. Mill was started some time in 1970 and R. Mill in 1980. S. Mill had about 50 workmen. The company closed the S. Mill on the ground of no availability of bagasse which is the raw material for the manufacture of straw board and terminated the service of the workmen of this mill in stages between May 7 and July 1990. The first batch consisted of 98 workmen whose dispute was the subject matter. On dispute being raised by the workmen over their termination of services and on failure of conciliation matter was referred to Tribunal.

Discuss the following issues:

- (a) Whether the stoppage of work by the employers and the consequent non employment by them of the workmen, amounts to lay off/ retrenchment/ lock out or whether it should be treated as a legitimate closure.
- (b) To what relief, if any, are the workmen concerned entitled on the basis of the findings on number 1 issue?

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
FIFTH SEMESTER
SUBJECT: ENVIRONMENTAL LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**

Explain the followings:

- (i) Environment and Spiritualism
- (ii) Fundamental duty to protect environment
- (iii) Inter generational equity
- (iv) UN Commission on Sustainable Development
- (v) Noise Pollution
- (vi) Bio-medical Waste

- (vii) Citizen Suit
- (viii) Air Pollution Control Area
- (ix) Hunting of wild animals
- (x) Wild life

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) What do you understand by depletion of ozone layer? What are its effects?
- (ii) To what extent the judiciary has used Section 133 of Cr PC to protect the environment.

Unit (II)

- (i) Discuss the salient features of Earth-Summit of 1992.
- (ii) Discuss the precautionary principle of Sustainable Development.

Unit (III)

- (i) What are the objectives of the *Environment (Protection) Act, 1986*? How a Govt. Deptt. can be held liable under this Act?
- (ii) Discuss the law relating to management of Hazardous Wastes.

Unit (IV)

- (i) What is Water Pollution? Discuss the composition and functions of the Central Board.
- (ii) Discuss the role of judiciary in protecting the environment from air pollution under the *Air Act* of 1981.

Unit (V)

- (i) Discuss the provisions relating to conservation reserve under the *Wild Life Act, 1972*.
- (ii) What is the composition and functions of central Zoo Authority under the *Wild Life Act, 1972*?

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) How Art. 21 of the constitution has been used by the judiciary to protect the environment from pollution.
- (ii) What is Sustainable Development? What are the basic principles of sustainable development?
- (iii) What are the effects of Noise Pollution? How constitutional provisions are used to prevent the Noise Pollution?
- (iv) Discuss the powers of the Central Government to give directions to prevent Water Pollution.