

**FOURTH SEMESTER LL.B. (THREE YEAR-UNITARY) DEGREE  
EXAMINATION, NOVEMBER 2020**

LL.B.

CP 18—LABOUR AND INDUSTRIAL LAW—II

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.*

*Each question carries 6 marks.*

1. Who are the 'dependents' of a deceased workman under the Employees Compensation Act ?
2. How will you explain that the Minimum Wages Act is a social security legislation ?
3. What is the concept of gratuity ? How does it differ from pension and provident fund ?
4. State the object and scope of the Maternity Benefit Act.
5. Examine the rules for employment of young persons in factories.
6. What are the Special provisions of the Payment of Bonus Act, 1965 in respect of new establishments ?
7. What are the salient features of The Bonded Labour System (Abolition) Act, 1976 ?
8. Role of contractors under Interstate migrant workmen (regulation of employment and conditions of services) Act, 1979.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.*

*Each question carries 10 marks.*

1. An employee having finished first half of his duty went for lunch during interval after punching card. He did not return from duty after interval. His dead body was found with in the factory premises. It was found that he was murdered by one of his enemy. His widow claims compensation. Decide.

**Turn over**

2. 'A' was working in a plywood factory, met with an accident when he was feeding the DAP compound into the roller mill by pushing it with his own hand. As a result of this accident one of his hands was amputated. Notwithstanding the accident, he was allowed to continue in its service without any reduction in remuneration. A claim was made thereunder and as a result thereof the disablement benefit on account of permanent partial disablement was ordered to be paid to 'A'. This decision of the Employees State Insurance Corporation to pay the said amount was not challenged. Besides this benefit under the ESI Act, he was provided the best medical treatment available in that area under the medical expense benefit. Whether 'A' can claim some monetary lumpsum also from his employer by way of tortious liability outside the scope of the insurance legislation ?
3. An employee working in an establishment commits fraud during the accounting year 2014-15, but continues to work during two subsequent accounting years, and has a clean record during the subsequent years. On the basis of fraud committed in 2014-15, he was dismissed from service at the end of accounting year 2016-2017. In this case does he lose bonus for the accounting year of misconduct i.e.2014-2015 or for all the three accounting years ending with 2016-2017. Decide in the light of provisions of Payment of bonus Act, 1965.

(2 × 10 = 20 marks)

### Part C

*Answer any two questions.*

*Each question carries 12½ marks.*

1. What are the benefits available to an 'employee' under the Employees' State Insurance Act ?
2. The Employees Provident Funds and Miscellaneous Provisions Act 1952 is a piece of Social Security legislation designed to insure the workmen against oldage and infirmity" Discuss.
3. How far Child Labour Prohibition and Regulation Act, 1986 succeeded in curbing the menace of Child Labour in India.

(2 × 12½ = 25 marks)

**FOURTH SEMESTER LL.B. (THREE YEAR-UNITARY) DEGREE  
EXAMINATION, NOVEMBER 2020**

LL.B.

CP 17—PROPERTY LAW (INCLUDING TRANSFER OF PROPERTY ACT AND  
EASEMENT ACT)

Time : Three Hours

Maximum : 75 Marks

**Part I**

*Answer any five of the following questions.*

*Each question carries 6 marks.*

1. Explain doctrine of accumulation.
2. Describe the circumstances under which easements are extinguished.
3. Explain rule in TulkV.Moxhay.
4. Analyse doctrine of election.
5. What are the essentials of lease ? Under what circumstances the lease can be terminated ?
6. What is fraudulent transfer ?
7. Explain transfer of actionable claims.
8. State the rule against perpetuity.

(5 × 6 = 30 marks)

**Part II**

*Answer any two of the following questions.*

*Each question carries 10 marks.*

1. A sells a property to B with a covenant that B should construct a road across the property for the convenience of A's neighbours. B transfers the property to C who is aware of the covenant. C refuses to construct the road. Can A enforce the covenant against C ?
2. A makes a gift to B with a proviso that if he marries without the consent of C and D, it shall go to E. D dies. B marries without the consent C. Can E claim the property ?

**Turn over**

3. While a suit was pending before a civil court between X and Y with respect to the ownership of a house, X who is in possession of the property transfers the house to Z. The suit is decreed in favour of Y. Whether Z is bound by the decree ?

(2 × 10 = 20 marks)

**Part III**

*Answer any two of the following questions.*

*Each question carries 12.5 marks.*

1. Define mortgage. Explain various kinds of mortgages.
2. Explain the exception to the rule that property of any kind may be transferred.
3. What are the essential requirements of a valid gift of immovable property ? When can a gift be suspended or revoked ?

(2 × 12.5 = 25 marks)

CHMK LIBRARY UNIVERSITY OF CALICUT

**FOURTH SEMESTER LL.B. (THREE YEAR-UNITARY) DEGREE  
EXAMINATION, NOVEMBER 2020**

LL.B.

CP 16—CODE OF CIVIL PROCEDURE –II (INCLUDING LIMITATION ACT)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five of the following questions.*

*Each question carries 6 marks.*

1. State the rules and procedure for suits relating to public charities.
2. Explain the law relating to attachment and arrest before judgement.
3. Discuss the procedure relating to filing of suit against public nuisance.
4. What are the conditions which a court has to satisfy to itself before granting a temporary injunction under the Code of Civil procedure ?
5. What do you mean by review ? State the procedure.
6. Examine the law relating to restitution
7. Explain the concept and object of Law of Limitation.
8. Write a note on withdrawal and compromise of suit.

(6 × 5 = 30 marks)

**Part B**

*Answer any two of the following questions.*

*Each question carries 10 marks.*

1. Mr. X, a contractor instituted a suit against State of Kerala represented by Chief Engineer, Public Works department for breach of contract. The court rejected the plaint for want of notice. Examine the validity of the order.
2. A has delivered some gold ornaments to B for safe keeping. Later A dies leaving a son and a daughter. Son claims the possession of ornaments in his capacity as legal heir. But the daughter claims that she is the only person entitled to possession as the ornaments belonged her mother. B is ready and willing to handover the possession to the rightful claimant. Advise
3. Mr. X instituted a suit for possession of immovable property against Mr. Z. Later they obtained a compromised decree. Now Mr. X filed a suit to set aside the compromise decree on the ground that it is not lawful. Decide.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any two of the following questions.  
Each question carries 12½ marks.*

1. What is the procedure for filing a suit by an indigent person ? Under what circumstances, the court can reject the application for permission to sue as an indigent person ?
2. What are the rules governing exclusion of time in computing the period of limitation ?
3. Discuss the procedure for preferring an appeal. Distinguish Appeal and Revision.

(2 × 12½ = 25 marks)

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**FOURTH SEMESTER LL.B. (THREE YEAR-UNITARY) DEGREE  
EXAMINATION, NOVEMBER 2020**

LL.B.

CP 15—ENVIRONMENTAL LAW

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five of the following questions.  
Each question carries 6 marks.*

1. Explain role of NGO in protecting environment.
2. Write a note on global warming.
3. Explain Polluter Pays Principle.
4. Why should we conserve Wild life ?
5. Examine the powers and functions of water pollution control boards.
6. Explain Environment Impact Assessment (EIA).
7. Examine Kyoto conference and pact on global warming.
8. Write a note on constitutional mandate and forest conservation.

(5 × 6 = 30 marks)

**Part B**

*Answer any two of the following questions.  
Each question carries 10 marks.*

1. A religious group used loudspeakers to recite prayers in residential area. What remedy is available to the residents ?
2. Mr. X filed a PIL alleging that intensified Shrimp(prawn) farming culture industry in coastal areas, by modern methods is causing degradation to mangroves ecosystem, depletion of plantation, discharge of highly pollutant effluents, commercial use of agricultural land and also causes obstruction to natural drainage of flood water. Decide.
3. The untreated effluent is discharged in a river which is the main source of water supply to the residents of the area. What is the remedy available to the residents ?

(2 × 10 = 20 marks)

Turn over

**Part C**

*Answer any two of the following questions:*

*Each question carries 12½ marks.*

1. Explain briefly powers and functions of Central Government for environmental protection under Environmental Protection Act 1986.
2. How has the judiciary initiated Environmental Protection and Sustainable Development in India ?
3. Examine the common law and other statutory remedies for protecting the environment.

(2 × 12½ = 25 marks)

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**FOURTH SEMESTER LL.B. UNITARY (THREE YEAR) DEGREE  
[REGULAR/SUPPLEMENTARY] EXAMINATION, APRIL 2021**

LL.B. Unitary

CP 19—LAW OF CRIMINAL PROCEDURE—II  
[INCLUDING CRIMINAL RULES OF PRACTICE]

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.*

*Each question carries 6 marks.*

1. Appeal by Victim.
2. Inherent power of High Court.
3. Remission of sentence.
4. Absconding accused.
5. Procedure for remand to police custody Under Kerala Criminal Rules of Practice.
6. Cognizable offence.
7. Joinder of charges.
8. Distinguish between withdrawal of complaint and compounding of offence.

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.*

*Each question carries 10 marks.*

1. X was discharged from a case/charge relating to culpable homicide. Can he be tried for the same offence later on ?
2. A finds that X was beaten and assaulted by a group of persons, causing grave injury. The next day A files a complaint against some of the persons of the group whom he has recognised. Can the court take cognizance of that complaint ?

**Turn over**

3. A and B are accused of a murder of X. They are in judicial custody for more than three months and the Police have not filed charge sheet against them. Can they now seek bail as of right ?

(2 × 10 = 20 marks)

**Part C**

*Answer any two questions.*

*Each question carries 12½ marks.*

1. What is Bail ? Explain the circumstances in which release on bail is mandatory.
2. Explain the form and contents of a judgment and the manner in which the judgment is to be delivered.
3. Elucidate the rule that 'for every distinct offence there should be a separate charge and each such charge should be tried separately' and briefly explain the exceptions to the above rule.

(2 × 12½ = 25 marks)

CHMK LIBRARY UNIVERSITY OF CALICUT

**FOURTH SEMESTER LL.B. DEGREE UNITARY (3 YEAR)**  
**[REGULAR/SUPPLEMENTARY] EXAMINATION, APRIL 2021**

LL.B. Unitary

CP 18—LABOUR AND INDUSTRIAL LAW—II

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.*

*Each question carries 6 marks.*

1. Write a short notes on social security measures and International Labour Organization.
2. Discuss the provisions as to employer's liability under the Employee's Compensation Act.
3. Write short note on Employees Provident Fund Scheme.
4. What are the Protective provisions under Equal Remuneration Act ?
5. What are the Rights of Interstate Migrant Workmen under Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979 ?
6. State the disqualification for the purpose of claiming bonus from an employer.
7. Explain the duties of the Medical Benefit Council under the Employees State Insurance Act, 1948.
8. What are the safeguards provided to women employees under the Maternity Benefit Act ?

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.*

*Each question carries 10 marks.*

1. "P", an employee who was working as a driver met with an accident and suffered 35% physical disability. The injury sustained by "P" incapacitated him to use of his leg for the purpose of driving, which he was capable of performing at the time of accident. His injury amounted to total disablement so far as driving is concerned. Later with the help of external aids some mobility was restored and he was given an alternate employment in the post of peon with the same salary as he was getting as the driver. Can he claim compensation for total disablement ?

**Turn over**

2. Some persons were employed in a Bidi Factory as “Bidi Rollers”. They had no fixed time of work. They were free to come to the factory and to leave the factory any time they liked. They were free to work at their homes also. However, at the end of the day they delivered the bidis rolled by them to the employer. Can they be termed as ‘workers’ under Sec 2(1) of the Factories Act, 1948.
3. “A” was an employee of a Factory. The whole of the undertaking of Factory was taken over by a new company. The services of ‘A’ remained continuous in the new company. After serving for one year, ‘A’ met with an accident and became permanently disabled. ‘A’ applied to the new company for the payment of gratuity. The company refused to pay gratuity on the ground that he has served only for a year in the company. Examine the validity of the refusal of the directors in the light of the provisions of the Payment of Gratuity Act, 1972.

(2 × 10 = 20 marks)

### Part C

*Answer any two questions.*

*Each question carries 12½ marks.*

1. What are the Health safety and welfare measures under Factories Act ?
2. Explain the procedure for adjudication of disputes and claims by the E.S.I. Court.
3. Explain the concept of need based wage. How far the Minimum Wages Act, 1948 helped in achieving need based wage to workers in India ?

(2 × 12½ = 25 marks)

**FOURTH SEMESTER LL.B. UNITARY (3 YEAR) [REGULAR/  
SUPPLEMENTARY] DEGREE EXAMINATION, APRIL 2021**

LL.B. Unitary

CP 17—PROPERTY LAW (INCLUDING TRANSFER OF PROPERTY ACT AND  
EASEMENT ACT)

(2015 Syllabus year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five of the following questions.  
Each question carries 6 marks.*

1. Enumerate the rights and liabilities of lessor and lessee.
2. Explain doctrine of election.
3. What is vested and contingent interest ?
4. What is meant by foreclosure ? Who may sue for foreclosure ?
5. Explain rights and liabilities of buyer and seller before completion of sale.
6. Discuss different types of mortgage.
7. Define easement. Examine the various modes of acquisition of easement.
8. What are the essential conditions of a valid gift ?

(5 × 6 = 30 marks)

**Part B**

*Answer any two of the following questions.  
Each question carries 10 marks.*

1. A sells to B a piece of land, a coal mine of which B is aware but not A. A comes to know of the mine after the completion of the contract but before the sale is completed. What is the remedy of A?
2. A gifted a piece of land to B. Later C sued A for maintenance claiming a charge on this property. While the suit was pending B sold the land to D. Subsequently A died and B was impleaded as A's legal representative. The suit was decreed. Is D's title affected by lis pendens ?
3. A makes a gift in favour of B and gives the deed to B. who accepts it. Subsequently A refuses to register the deed or gives possession of the property to B. Discuss B's right.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any two of the following questions.  
Each question carries 12½ marks.*

1. Discuss the rules to transfer immovable property to an unborn person.
2. Explain doctrine of part performance under the Transfer of property Act.
3. Property of any kind can be transferred-Elucidate this rule and state exceptions, if any to it.

(2 × 12½ = 25 marks)

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**FOURTH SEMESTER LL.B. UNITARY (THREE YEAR) DEGREE  
[REGULAR/SUPPLEMENTARY] EXAMINATION, APRIL 2021**

LL.B. Unitary

CP 16—CODE OF CIVIL PROCEDURE—II  
[INCLUDING LIMITATION ACT]

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five questions.*

*Each question carries 6 marks.*

1. Write a note on Reference.
2. Explain the powers and functions of receiver.
3. Explain suit in *forma pauperis*.
4. Examine the provisions relating to Garnishee.
5. State the inherent powers of court.
6. Analyse the essential requisites of valid acknowledgement.
7. What do you mean by legal disability ?
8. What is an interpleader suit ? How can it be instituted ?

(5 × 6 = 30 marks)

**Part B**

*Answer any two questions.*

*Each question carries 10 marks.*

1. Property worth Rs. 25 lakhs was sold in court auction. Action purchaser deposited Rs. 25 lakhs. After one month of the sale the judgement debtor wants to set aside sale. Advice.
2. A has delivered some gold ornaments to B for safe keeping. Later A dies leaving a son and a daughter. Son claims the possession of ornaments in his capacity as legal heir. But the daughter claims that she is the only person entitled to possession as the ornaments belonged her mother. B is ready and willing to handover the possession to the rightful claimant. Advise B.

**Turn over**

3. A has obtained a decree for payment of money against B, who has no job, no other income and hence no means to pay the decretal amount. 'A' files an application to the executing court for order arrest and detain the Judgement Debtor in civil prison. Examine whether the executing court can order arrest or detention in this circumstances.

(2 × 10 = 20 marks)

**Part C**

*Answer any two questions.*

*Each question carries 12½ marks.*

1. Enumerate the various methods by which a court may enforce execution of a decree.
2. Explain the procedure relating to filing of an appeal. What are the powers of appellate court ?
3. What you meant by abatement of suits ? Explain the circumstances and procedure for the substitution of legal representatives in the place of the party to the suit after the institution of the suit ?

(2 × 12½ = 25 marks)



**FOURTH SEMESTER LL.B. UNITARY (THREE YEAR) DEGREE [REGULAR/  
SUPPLEMENTARY] EXAMINATION, APRIL 2021**

LL.B. Unitary

CP 15—ENVIRONMENTAL LAW

(2015 Syllabus Year)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Answer any five of the following questions.*

*Each question carries 6 marks.*

1. Explain Noise or sound pollution and its effects.
2. Write a note on Ozone depletion.
3. Write a note on Wildlife Conservation Strategy, 2002.
4. Explain the doctrine of public trust.
5. Write a note on National Green Tribunal.
6. Write a note on convention on climate change.
7. Write a note on right to clean environment as fundamental right.
8. Explain the common law remedies available for environmental protection.

(5 × 6 = 30 marks)

**Part B**

*Answer any two of the following questions.*

*Each question carries 10 marks.*

1. A applied to the state pollution board seeking permission for starting an industry. The board fixed a date for public hearing. On the appointed date, majority of the residents of the proposed industrial area objected. Considering other aspects, the Board gave permission to start the Industry. The residents appealed to the State Government. Decide.
2. People residing in a village started to kill wild animals entering their village. Decide legality of the action.
3. The residents of City X wants to file a case against the Municipal corporation alleging that open drains have polluted the area adversely affecting the purity of water in wells. Decide.

(2 × 10 = 20 marks)

**Turn over**

**Part C**

*Answer any two of the following questions.*

*Each question carries 12½ marks.*

1. Examine the scope of Art 32 and Art 226 in protecting the environment.
2. Explain the principles of sustainable development.
3. Explain briefly the provisions relating to prevention and control of air pollution.

(2 × 12½ = 25 marks)

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