

NLUJAA

National Law University and Judicial Academy, Assam

B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2018-19)

Mid Semester Examination (October, 2018)

Subject Code: 7.1 Law of Evidence

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any three questions from the following. All questions carry equal marks.

1. A dragged B when B was coming from his house to a Chowk area and began to beat him. 'Z' who was present there when the incident occurred. He ran to the nearby Police Station explained to Police Constable about the incident. The statement of the Constable was held relevant by the Court.

Justify the above citation with relevant provision.

10 Marks

2. "Things said or admitted by the parties in respect of fact in issue during a proceeding is held relevant".

Elucidate this statement with the help of relevant provisions under the Indian Evidence Act, 1872.

10 Marks

3. Write short notes:

(2¹/₂ X 4)=10 Marks

- a) Plea of alibi
- b) Expert opinion
- c) Fact in issue
- d) Fact

4. How does the 'statement made by a person as to the cause of his death' become relevant under the Indian Evidence Act, 1872.

A was burnt by pouring kerosene by her husband and husband and relatives. Before her death, she gave three statements as to her cause of death – one recorded by the Doctor, the other recorded by the Investigation Officer and the third recorded by the Magistrate. Under the situation which of the three statement of deceased will be relevant?

5+5=10 Marks

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2018-19)

Mid Semester Examination (October, 2018)

Subject Code: 7.2 Conflict of Laws

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Elaborate the contribution of the Roman Legal System and the legacy of the Justinian Code in planting the seed of private international law among the European society and finally to the rest of the world, thereby contributing in the development of contemporary notion of private international law.
2. Discuss in detail some of the landmark common law judgments that had contributed in the development of the principles of the Private International Law.
3. Critically analyse the importance of the Brussel conventions, the Rome Convention and the Lugano Convention in creating legally binding documents in the study of Private International Law.
4. Write notes on:
 - (i) Notion of Private International Law;
 - (ii) Recognition and enforcement of foreign judgments.

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2018-19)

Mid Semester Examination (October, 2018)

Subject Code: 7.3 Drafting, Pleading and Conveyancing

Time: **1:30 Hrs.**

Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any three questions from the following. Question No. 4 is compulsory. All questions carry equal marks.

1. a) State the fundamental rules of pleadings.
b) Explain in detail the exceptions to any one of the rules of pleading.

4+6=10 Marks

2. *“Parties are bound by their pleadings. However, there can be no objection to prevent a plaintiff from relying upon several different rights alternatively or to prevent a defendant from raising as many distinct or separate defences he thinks proper”.*

Discuss the above statement with suitable illustrations and case laws.

10 Marks

3. a) Distinguish between Voluntary and Compulsory Amendment of pleadings.
b) State the circumstances under which pleadings can be amended that can be made in pleadings.

4+6=10 Marks

4. Mr. Advani had supplied 2000 Nos. of computers to the Education Department in Assam, in terms of the tender notice dated 15/12/2016. The total bill amount was Rupees Ten lakhs, but till August, 2018 payment of only Rupees Three lakhs was made to him. The balance payment of Rupees Seven lakhs is still due to him. Two years have passed since the supply work was completed. Mr. Advani went to the department, demanding the balance amount due to him, but it was a fruitless effort on his part. Mr. Advani had taken a loan from the United Bank of India at an interest @ 10% p. a. to supply the computers. Draft a Notice on behalf of Mr. Advani, to the Secretary, Education Department demanding the payment of the same.

10 Marks

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Mid Semester Examination (October, 2018)

**Subject Code: 7.4/5 (CR.1) Socio-Economic Offences and
Transnational Organized Crimes**

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any three questions from the following. Question No. 4 is compulsory. All questions carry equal marks.

1. (a) Several category of offences have been mentioned in the Report of the Santhanam Committee 1964. Elaborate in detail.
(b) Name any four special enactments in present India, which have been enacted to tackle these offences.
8+2=10 Marks
2. (a) Explain in brief the scope of the 29th Law Commission of India Report and the 47th Law Commission of India Report.
(b) State the characteristics of Socio-economic offences.
4+6=10 Marks
3. *"White Collar crime goes undetected because it transcends the visibility of ordinary cheating practices of small merchants".*
(a) Name the person with whom the concept of White Collar crime is generally associated along with his definition of White Collar crime.
(b) State any 4 offences which can be considered as White Collar crimes.
(c) Distinguish between Socio economic Offences and Traditional Offences.
2+4+4=10 Marks
4. Mr. X gives a public servant, Mr. Y an amount of Rupees fifteen thousand to ensure that he is granted a licence, over all bidders. State and explain in detail what offence has been committed by Mr. X, the punishment that can be awarded to him and under which Act he will be tried in India.
10 Marks

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2018-19)

Mid Semester Examination (October, 2018)

Subject Code: 7.4/5 (BL.1) International Business Transactions

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer any three questions from the following. All questions carry equal marks.

1. "Letter of Credit is the backbone of International Business Transactions". Explain the statement with help of various kinds of letter of credit used in Business Transactions.
10 Marks
2. Distinguish between the term Globalization and Glocalization. Also explain what are Transnational Companies?
10 Marks
3. What are the various risks involved in International Business Transactions? What are the methods used to manage risk?
5+5=10 Marks
4. (a) What are Incoterms? Explain the term FOB.
(b) Explain the concept of Fundamental Breach as per Article 25 of CISG.
5+5=10 Marks

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2018-19)

Mid Semester Examination (October, 2018)

Subject Code: 7.4/5 (IL.1) General Principles of International Law

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer three questions. It is compulsory to answer the first question. All questions carry equal marks.

1. The state of Gaipan is situated in the continent of Makapu. It is primarily composed of two groups viz. Gaipanians (majority group) and Tarrlokians (minority group). The state of Gaipan was in situation of International Armed Conflict and during the course of the armed conflict, several war crimes and crimes against humanity were committed against the Tarrlokians by the state of Gaipan. Mr. Kuvira, the accused, a film director, made a propaganda film on the Tarrlokian race at the order of and under the constant control of Mr. Burni, the Defence Minister of Gaipan. The film was viewed by almost the entire population of Gaipan. The accused has pleaded that he could not have refused to obey the orders as the laws of Gaipan criminalized refusal to execute military orders punishable by severe penalties including death sentence. Mr. Kuvira has been accused of crimes against humanity and war crimes under the Statute of the International Criminal Court. Decide on the defence or defences that he can take in the ICC with reasons and case laws of various international criminal tribunals and courts.

10 Marks

2. Briefly describe the modes of liability for international crimes and discuss in details the different forms that joint criminal enterprise mode of liability can take with the help of decided case laws of various international criminal tribunals and courts.

5+5=10 Marks

3. Discuss the different models of jurisdiction that have been developed to avoid the clash of jurisdictions between international courts and tribunals as well as domestic courts under international criminal law.

10 Marks

4. International Criminal Law is an evolving branch of Public International Law. Discuss in details the historical evolution of ICL from the Lieber Code to the Rome Statute.

10 Marks

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Mid Semester Examination (October, 2018)

**Subject Code: 7.4/5 (EL.1) Development of National Environmental Law
and Policy in India**

Time: **1:30 Hrs.**

Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the Question Paper shall not be entertained.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any three questions from the following. All questions carry equal marks.

1. *“Environmental Justice is becoming one of the major topics of the Environmental ethics”*
In the light of the aforementioned statement discuss any one of the approach of environmental ethics.
2. Discuss the legal historical dimension of Environmental Protection in India since Pre-Vedic period to Post Independence India.
3. *“Life means not only physical existence..... It means the use of every limb or faculty through which life is enjoyed....The right to life includes the right to a healthy environment”- Justice P.N. Bhagwati-* Elucidate the above statement with the help of specific provisions on environmental protection in the Indian Constitution.
4. Write any **Two** from the following:
 - (a) National Environmental Policy.
 - (b) Precautionary Principle.
 - (c) Cocoyoc Declaration, 1974.

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Subject Code: 7.4/.5 (CN.1) Federalism and Centre State Relations

Time: **1:30 Hrs.**

Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer any three questions from the following. All questions carry equal marks.

1. Define the concept of Federalism with reference to the peculiar features of Indian Federalism. 10 Marks
2. Indian federalism deviates from the strict principles of federalism especially with reference to the special provisions to the State of Jammu and Kashmir under the Constitution of India. Explain. 10 Marks
3. Write the important feature of Vth and VIth schedule in respect of administration of tribal areas. 10 Marks
4. Explain the following: (5 x 2)=10 Marks
 - (i) Doctrine of territorial nexus
 - (ii) Doctrine of colourable legislation

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**Subject Code: 7.4/.5 (HR.1) The National, Regional and International
Perspective of Human Rights and Human Rights Institutions**

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. "In the realm of Human Rights, the World is divided into East, West, North and South." Explain with relevant Human Rights theories.
2. "The U.N. Declaration on Human Rights 1948, sets out all the three generations of Human Rights." Elucidate.
3. "International Human Rights Law is not a weak law." Elucidate with reference to implementation mechanism under ICCPR (International Covenant on Civil and Political Rights, 1966) and ICESCR (International Covenant on Economic, Social and Cultural Rights, 1966).
4. Optional Protocol to Torture Convention (Convention against Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment) provide more teeth to implementation mechanism. Elaborate with reference to mandate and measures incorporated therein.

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**Subject Code: 7.4/5 (IP.1) Law Relating to Trade Marks and
Geographical Indications**

Time: **1:30 Hrs.**

Total Marks: **30**

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1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Define the key terms- “mark”, “trade mark”, “well-known trade mark”. Enumerate the essential requisite for trademark registration under the Trade Marks Act, 1999.
2. Distinguish between the Absolute grounds and Relative grounds for refusal of registration.
3. Who can apply for trade mark registration? What are the procedure and process for making opposition to registration? Cite the specific legal provisions.
4. Write Briefly:
 - a) Is “Sardarbuksh” deceptively similar to “Starbucks”?
 - b) Coca-Cola Co. of Canada v. Pepsi Cola of Canada Ltd. (1942) 59 RPC 127. Define “distinctiveness” of a trade mark.
