

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2018-19)

Semester End Examination (February, 2019)

Subject Code: 7.1 Law of Evidence

Time: **2:30 Hrs.**

Total Marks: **70**

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 five questions from the following. All questions carry equal marks.

1. Define oral evidence. What facts may be proved by oral evidence? "Oral evidence must be direct" – discuss the rule with exceptions.

2+2+10=14 Marks

2. What is latent and patent ambiguity? Write your answer with reference to the relevant provision along with the exception mentioned in the Evidence Act.

4+10=14 Marks

3. a. State the difference between –

2x2=4 Marks

- (i) Relevancy and admissibility
- (ii) Judicial confession and extra-judicial confession

- b. Explain with reason on whom the burden of proof lies in the following cases–

- (i) Burden of proof as to particular fact
- (ii) Burden of proof of a man's death as well as alive

4+6=10 Marks

4. Discuss the doctrine of estoppel. What are the kinds of estoppel? When a landlord can plead estoppel against a tenant?

5+5+4=14 Marks

5. Who can testify? Whether a dumb witness is competent to testify. State the circumstances under which privilege can be claimed as to the certain communication.

2+2+10=14 Marks

6. (a) Explain "examination-in-chief, cross examination and re-examination."

- (b) Under what circumstances a party is permitted to discredit his own witnesses?

6+8=14 Marks

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

Semester End Examination (February, 2019)

Subject Code: 7.2 Conflict of Laws

Time: **2:30 Hrs.**

Total Marks: **70**

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 five questions from the following. All questions carry equal marks.

1. "Conflict of Laws jurisprudence is concerned essentially with the just disposal of proceedings having a foreign element..." - Lord Nichols of Birkenhead.

In the light of the given statement discuss the science of Private International Law. Support your answer on the basis of decided cases and laws and treaties.

2. "The term proper law of a contract means the law, or the laws, by which the parties intended, or may fairly be presumed to have intended, the contract to be governed or the law or laws to which the parties intended or may fairly be presumed to have intended, to submit themselves."- Dicey.

Discuss in detail the principles of Proper Law of Contract under Private International Law.

3. In the light of globalisation critically discuss why India needs to develop its own Private International Law on marriage and divorce.
4. Discuss in detail how the principle of *lex rei sitae* is applied to concept of property under Private International Law. Support your answer on the basis of decided cases and other principles laid down.
5. Critically discuss the legal intricacies and other issues that are usually involve in the discourse domicile under Private International Law. Support your answer on the basis of relevant laws and on decided cases.
6. Write notes on:
 - (a) Formal validity of marriage under Private International Law.
 - (b) *Lex loci celebrationis*.

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National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2018-19)

Semester End Examination (February, 2019)

Subject Code: 7.3 Drafting, Pleading, Conveyancing

Time: **2:30 Hrs.**

Total Marks: **70**

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 five questions from the following. Question No. 6 is compulsory. All questions carry equal marks.

1. (a) Discuss the essential parts of a Plaint.
(b) State the pleas that can be taken by the Defendant in a Written Statement.
8+6=14 Marks
2. Mr. X entered into an Agreement for purchase of a house in Guwahati and paid part of the money in advance to the owner Mr. Y. However, Mr. Y failed and neglected to complete the sale of the said house. Draft a petition on behalf of Mr. X for specific performance of the Agreement for sale and also claiming damages and refund of the earnest money in the alternative.
14 Marks
3. (a) State the four rules that should be followed while drafting the grounds of an Appeal.
(b) Mr. Shelley had filed a suit against Mr. Damon, for recovery of Rs. 2,00,000/- which Mr. Damon had allegedly borrowed, against a promissory note executed by him in favour of Mr. Shelley. The learned Court heard the suit and passed a decree of Rs. 3,00,000/- against Mr. Damon on 30/12/2018. Mr. Damon wants to prefer an Appeal against the Judgment and Decree passed by the learned trial Court. Draft the **grounds of appeal** which can be taken in the above case in the Memorandum of Appeal on behalf of Mr. Damon
8+6=14 Marks
4. Mr. Jamal had filed a false criminal case against Mr. Swaraj and after the trial the Hon'ble Court acquitted Mr. Swaraj. Draft a plaint on behalf of Mr. Swaraj claiming damages for malicious prosecution against Mr. Jamal.
14 Marks

5. Salman lodged an FIR against Ranveer in the Chandmari Police Station under Section 420 of *The Indian Penal Code* 1860, which is a cognizable and non-bailable offence. Ranveer came to know about the FIR from his next door neighbor of the flat in which he resides, who informed him that the police had come to his house looking for him in connection with the said FIR. As Ranveer's lawyer, you have advised him to file an Anticipatory bail in the Gauhati High Court. Draft the Anticipatory Bail application on behalf of Ranveer. 14 Marks
6. State and explain in brief the component parts of a Deed. 14 Marks

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

Semester End Examination (February, 2019)

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

Time: 2:30 Hrs.

Total Marks: 70

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 five questions from the following. All questions carry equal marks.

1. Discuss the unique position of Union Territory with reference to Indian Federalism. What are challenges faced by the federal countries in the recent years?
8+6=14 Marks
2. How far the concept of Executive Federalism be suited to Indian democratic set up? How will you define the status of Local self-government under the Indian federal structure?
8+6=14 Marks
3. Do you agree that the Constitution of India has enumerated a strong center framework under federal construction? Explain. How far it is justified to have a strong center – give your opinion.
10+4=14 Marks
4. What is the nexus between internal security and public order? State the role of the Union in maintaining the internal security in states.
4+10=14 Marks
5. How far the Constitution of India justified the concept of financial autonomy of states especially after enactment of the One Hundred and First (Amendment) Act, 2016? What is the role of NITI Ayog in regulating the financial cooperation between center and states?
10+4=14 Marks
6. Write short notes: (any three) 5+5+4=14 Marks
 - (i) Dual federalism or layer-cake federalism
 - (ii) New federalism
 - (iii) Inter-state water disputes
 - (iv) All – India Services
 - (v) Emergency vis-à-vis 44th Amendment, 1978

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

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

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

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

1. Discuss the emerging International Environmental regimes and its impact on developing India's policy framework.
2. What do you mean by Environmental Economics? Mention how cost-benefit analysis be used as a tool for evaluating environmental action. What are the problems faced in this context.
3. Discuss the evolution of Public Interest Litigation (PIL) in the field of environmental jurisprudence by the Supreme Court of India. Justify your answer with the help of relevant cases.
4. Discuss the Command and Control approach as a measure to protect the environment from pollution. Bring out the defects of this approach.
5. Discuss the salient features of Sustainable Development. Elaborate Ecological foot print and Happy Planet Index in the context of measuring Sustainable Development.
6. Write Short Notes on:
 - (a) The Water Cess Act, 1977.
 - (b) PIC mechanism under Rotterdam Convention.

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

Semester End Examination (February, 2019)

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

Time: **2:30 Hrs.**

Total Marks: **70**

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 five questions from the following. All questions carry equal marks.

1. Mr. Anand Saxena applies for registration of 'Darjeeling resort' as Trade Mark for his luxurious resort at Kolkata. The said application is opposed by the Tea Board of India who is a registered proprietor of GI 'Darjeeling tea'. Decide as per relevant provisions and case laws. What is the difference between Trade Mark and Geographical Indication?
2. Mr. A is the prior user of the Trade Mark 'Luna' for bicycle, a well-known mark in India but unregistered. A foreign Company secures Trade Mark registration of 'Luna' for tires from the Indian Trade Mark office. Can Mr. A oppose the granting of the Trade Mark registration to the said Company? Is it also legally tenable to file Trade Mark infringement action against the Company for using 'Luna' upon tires? Which Court shall have the jurisdiction in this matter? Answer as per relevant provisions and cases.
3. India is well known in the world for having rich traditional handicrafts and artefacts made by skilled artisans and weavers from times immemorial. Discuss the significance of Geographical Indication of Goods (Registration and Protection) Act, 1999 as a legal instrument for the economic empowerment of these artisans and enumerate the procedure and requirement for registration of GI under the Act.
4. The old law in India, i.e. the Trade and Merchandise Marks Act, 1958, did not have provision for trademark dilution, as in the case of Trade Marks Act, 1999. The principle of dilution therefore, was developed by our courts, having regard to internationally recognized standards about the need to protect generally well known trademarks, whose exploitation, without any good cause in relation to diverse and dissimilar products or services could injure and "dilute" its appeal. Explain with the help of relevant statutory provisions and case laws.

5. (a) What constitutes Trademark Infringement under Sec. 29 of the Trade Marks Act, 1999?
(b) What amounts to infringement of registered Geographical Indication under Sec. 22 of the Geographical Indication of Goods (Registration and Protection) Act, 1999?

6. Write short notes on **any two** of the following:
 - (a) *Pepsi Co. Inc. v. Hindustan Coca Cola Ltd., 2003(27) PTC 305 (Del) (DB) and Basmati Patent case controversy*
 - (b) Lisbon agreement for protection of appellation of origin
 - (c) Composition and powers of Intellectual Property Appellate Board

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

Semester End Examination (February, 2019)

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

Time: **2:30 Hrs.**

Total Marks: **70**

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 five questions from the following. Question No. 1 is compulsory. All questions carry equal marks.

1. On 24/10/17, the Crime Branch of Mumbai had lodged an FIR against Mr. Dixon, (an Indian citizen) under sections 420/406/409/468/120-B of the *Indian Penal Code* 1860, alleging that during demonetisation, Mr. Dixon, conspired with the bank manager of Bank of Jhaveri, Mumbai along with some other persons and had deposited Rs.15 crores of old currency notes into the bank and got demand drafts issued in fictitious names with the intention of getting them cancelled and thus converting the demonetised currency into monetised currency on a commission basis.

On 21/02/18, the Income Tax Department raided the office and house of Mr. Dixon, and recovered currency amounting to Rs.23 crores including new currency in the denomination of Rs.2000 amounting to Rs.15 crores and bank drafts in the name of fictitious persons. Mr. Dixon could not provide any explanation or reliable documents to disclose the source from where he had obtained such huge amounts of demonetised currency and new currency and hence failed to discharge the burden, that the said money were not proceeds of crime and hence untainted. An ECIR was registered under section 3&4 of *The Prevention of Money Laundering Act, 2002*. (PMLA, 2002).

In the light of the above facts answer the following questions;

- (a) What offence has Mr. Dixon committed? Explain section 3 and 4 of the PMLA, 2002.
- (b) Mention any eight legislations covered in 'The Schedule' of said Act of 2002.
- (c) State the circumstances under which the Director can attach property under the PMLA, 2002.

6+4+4=14 Marks

2. (a) Mr. Carter, an Indian citizen, has defrauded several banks by taking loans amounting to over Rs.1000 crores and has intentionally failed to repay the money to them. He sold

his business and without informing the banks, quietly left India and settled down in Portugal. After the banks came to know about him fleeing the country, several cases were filed against him and all efforts to extradite him have failed. He is refusing to pay back the banks and is evading criminal prosecution in India.

- (i) Mention the name and explain the objectives of the legislation that has recently been passed in India to tackle this problem.
- (ii) State and explain in brief any three enactments which provide for 'preventive detention' in socio-economic offences in India.

7+7=14 Marks

3. On 3/05/2018, Mr. Asthana bought a bottle of 'Orange squash' from a grocery shop named 'Everyday Store' in Guwahati. When he opened the said bottle, he found a dead cockroach inside it. Mr. Asthana complained to the Food Safety Officer appointed under *The Food Safety and Standards Act, 2006*.

Explain in detail the procedure to be followed for launching prosecution as prescribed in Section 42 of the said Act of 2006.

14 Marks

4. (a) Explain with illustrations what is meant by 'transnational organized crime'? Discuss in brief the enactments particularly dealing with such crimes in India?
(b) State and explain with illustrations the different types of criminal organizations involved in organized crime.

7+7=14 Marks

5. Define and illustrate the following:
 - (a) Misbranded food
 - (b) Adulterant
 - (c) Proceeds of crime
 - (d) Offence of cross border implications

(3 ½ x 4)=14 Marks

6. Write short notes on:
 - (a) *The Essential Commodities Act, 1955*
 - (b) The burden of proof in cases related to socio-economic offences.

7+7=14 Marks

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Semester End Examination (February, 2019)

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

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

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

1. Mordor is a democratic republic and one of the oldest civilizations of the world. A coalition government headed by a major national party governs Mordor. A minority religious group called Hobbitans majorly inhabits Gondor, a province of Mordor. In the province of Gondor, there has been a long-brewing demand by the Hobbitans for self-determination, which over time gained militant attributes. The leader of the militant faction took shelter in the Crystal Shire, the most revered place of worship of the Hobbitans. The Mordorian Armed Forces stormed the place and killed him as per the instructions of the Government. As a form of retribution, some members of the militant faction ended up assassinating the President of Mordor. This led to killing of Hobbitans across Mordor and several leaders of the ruling national party were accused of instigating the mob to commit violence against people belonging to the Hobbitan religion. One such leader is Darth Vader. Assuming that you are the Prosecutor of the International Criminal Court and have launched an investigation into the matter, discuss the crimes that you will charge Darth Vader with under the Rome Statute along with appropriate provisions and reasons for the same.

14 Marks

2. Compare the International Military Tribunals established in the aftermath of the Second World War with the UN Ad-hoc tribunals.

14 Marks

3. Briefly discuss the trigger mechanisms to invoke the jurisdiction of the International Criminal Court and elaborate on the provisions pertaining exercise of jurisdiction in cases relating to crimes of aggression.

7+7=14 Marks

4. Elaborate on the provisions relating to victim participation in the International Criminal Court as provided for in the Rome Statute of the International Criminal Court as well as the Rules and Procedure of Evidence of the International Criminal Court.

14 Marks

5. Discuss the arrest warrant issued against President Omar al Bashir of South Sudan vis-à-vis the provisions providing immunity to Heads of State under international criminal law.

14 Marks

6. Write short notes on:

7+7=14 Marks

(a) Iraqi High Crimes Tribunal

(b) Enforcement of sentences under the Rome Statute

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Semester End Examination (February, 2019)

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

Time: **2:30 Hrs.**

Total Marks: **70**

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 five questions from the following. All questions carry equal marks.

1. Explain various parameters of Ease of Doing Business Ranking. Elaborate contract enforcement parameter of Ease of Doing Business Ranking.
2. "It is extremely important to have well thought out terms which forms the online contracts and ensure that adequate opportunity is provided to customer to familiarize themselves with the terms thereof" In the light of the above statement explain Legal Validity of Electronic Transactions. Also explain various E-Business models.
3. "Central Government has received complaints regarding non-proper functioning of SEBI and it suspended management of SEBI. After conducting enquiry central government decided to constitute new board under SEBI. Can suspended members be considered to be appointed while reconstitution of management of SEBI?" - Discuss powers of Central Government under section 17 of SEBI Act. Also discuss various functions of SEBI.
4. Explain various instruments used in Foreign Trade Policy of a country. Discuss various parameters/ indicators used to assess dumping of goods.
5. Discuss various entities eligible for investing in India. Also explain Downstream Investment under FDI.
6. Write short note on:
 - (a) No fault liability under CISG
 - (b) International Economic Institutions

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

Semester End Examination (February, 2019)

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

Time: **2:30 Hrs.**

Total Marks: **70**

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 five questions from the following. All questions carry equal marks.

1. 'Justice' provides the basis for assigning rights to individuals and institutions. In the context explain the Human Rights theory based on 'Justice'.
2. Compare the rights in Economic, Social and Cultural Covenant 1996 with the Directive Principles of State Policy under the Indian Constitution.
3. Genocide Convention is weak. Elucidate with reference to implementation mechanisms available under the convention.
4. Protection of Human Rights in the Arab region is poor because rights are based on the concepts and principles of Islam. Explain with relevant provisions in the Arab Charter.
5. In spite of religion being a major impediment in protection of Women's rights, the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) brings a ray of hope for half the World's population. Evaluate.
6. State the compositions of National Human Rights Commission, and examine its powers and functions under the Protection of Human Rights Act, 1993.
