

NLUJAA

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

Repeat and Re-registered Examination (March, 2019)

Subject Code: 7.1 Law of Evidence

Time: **3:00 Hrs.**

Total Marks: **100**

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. Define primary and secondary evidence. When secondary evidence relating to documents may be permitted to be given?
2. State the difference between the following:
 - (i) Public document and private document
 - (ii) Latent ambiguity and patent ambiguity
3. What is presumption? How does the court presume as to a death of a married woman under different circumstances?
4. (a) Explain the doctrine of Estoppel. Discuss your answer with reference to the essential conditions and kinds of estoppel.

(b) When the previous judgment of a court of justice is relevant in subsequent suit.
5. Who is an accomplice? Can an accomplice be a competent witness against an accused? What is the evidentiary value of the testimony of an accomplice?
6. (a) What is Leading questions? When leading questions can be asked?

(b) Who is a Hostile Witness? When a prosecution witness can be declared hostile? Whether the testimony of a hostile witness has any value in the Law of Evidence.

NLUJAA

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

Semester End Repeat Examination (March, 2019)

Subject Code: 7.2 Conflict of Laws

Time: **3:00 Hrs.**

Total Marks: **100**

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. Trace the historical development of Private International Law through case laws, judicial opinion and conventions and treaties.
2. Critically examine why marriage and divorce under Private International Law is treated as an ever evolving concept in an era of globalisation. Support your answer on the basis of relevant laws and decided cases.
3. Discuss in detail the principles Proper Law of Contract under Private International Law. Support your answer on the basis of relevant laws and decided cases.
4. Elaborate how the concept of eminent domain and notion of sovereignty is relevant in dealing with immovable property under Private International Law. Support your answer on the basis of relevant laws and decided cases.
5. "Domicile appertains to civil rights while citizenship is a political status..."
In the light of the given statement distinguish citizenship from domicile on the basis of relevant laws and on the basis of decided cases.
6. Write notes on:
 - (a) Material validity of marriage.
 - (b) *Lex fori*.

NLUJAA

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Repeat and Re-registered Examination (March, 2019)

Subject Code: 7.3 Drafting, Pleading and Conveyancing

Time: **3:00 Hrs.**
Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any five questions from the following. Question No. 6 is compulsory. All questions carry equal marks.

1. Mr. Deven is the absolute owner of a plot of land in Beltola. Mr. Bakshi entered into an agreement with Mr. Deven for buying the said plot for a sum of Rs. 60,00,000/- (Sixty Lakhs only). A part of the purchase money was paid by Mr. Bakshi to Mr. Deven as earnest money and the balance was to be paid at the time of execution of the Sale deed. Two years have passed, but Mr. Deven has refused and failed to complete the sale of the said plot of land. Mr. Bakshi consulted his lawyer and decided to file a suit for specific performance. Draft the petition on behalf of Mr. Bakshi.
2. Mr. X purchased cement from Mr. Y and issued a cheque for an amount of Rs. 2,00,000/- (Rupees Two Lac) for payment of the same. Mr. Y deposited the cheque in the State Bank of Travancore, Guwahati, but it was returned unpaid on account of insufficiency of funds. On behalf of your client, draft a Notice for dishonour of the said cheque.
3. Bandana lodged an FIR against her husband Suraj in the Amingaon Police Station under Section 498-A of *The Indian Penal Code*, 1860 which is a cognizable and non-bailable offence. The police visited Suraj's house and office looking for him in connection with the said FIR. As Suraj's lawyer, you have advised him to file an Anticipatory bail in the District and Sessions Court, Kamrup (R) at Guwahati. Draft the Anticipatory Bail application on behalf of Suraj.
4. Mr. Robins had filed a suit against Mr. Charlie, for recovery of an amount of Rs. 4,00,000/- which Mr. Charlie had allegedly borrowed, against a promissory note executed by him in favour of Mr. Robins. The learned Court heard the suit and passed a decree of Rs. 5,00,000/- against Mr. Charlie on 03/02/2019. Mr. Charlie wants to prefer an Appeal against the Judgment and Decree passed by the learned trial Court. Draft the Appeal on behalf of Mr. Charlie.
5. What is a Writ? State and explain with suitable illustrations the different types of Writs that can be filed in the Court of law.

6. Mr. Zaman is the absolute owner of a house in Ulubari, Guwahati and he wants to sell it to Mr. Chatterjee for Rs. 65,00,000/- (Sixty five lakhs). Draft a Deed of Sale and state the component parts of a deed in the said deed.

NLUJAA

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2018-19)
Semester End Repeat Examination (March, 2019)
Subject Code: 7.4/5 (CN.1) Federalism and Centre State Relations

Time: **3:00 Hrs.**
Total Marks: **100**

INSTRUCTIONS:

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

1. "The emergency provisions under the Constitution is peculiar in itself." Explain the statement.
Do you agree that the Constitution of India reflects some unitary features during the proclamation of emergency? Give your opinion.
2. How far the Constitution of India ensures the cooperative federalism concept in the administrative relation between the Center-State? Does the Union Government exercise absolute control over the administrative affairs of State?
3. Do you think that insertion of GST by the One Hundred and First (Amendment) Act, 2016 brings about more financial viability to provincial government? Write your answer with reference to the provisions prior to the implementation of GST and the changes in post-GST implementation.
4. State the journey of evolution of different types of federalism in United States of America. Which model of federalism according to you be best suited to the US federal set up?
5. What are emerging challenges towards the federalism in recent time? Whether the Constitution of India ensures any safeguards against the public disorder and internal disturbance within the sovereign states.
6. Give a brief note on the following:
 - (i) Executive federalism in India
 - (ii) Unique position of Union Territory under Indian Federal Structure.

NLUJAA

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

Semester End Repeat Examination (March, 2019)

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

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

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

1. Discuss the role of National Green Tribunal in addressing the cases of environmental jurisprudence.
2. Elaborate the legal mechanism in the protection of forestry sector in India with special emphasis on FRA, 2006.
3. State the development of international environmental law and its effect in rising Indian Environmental policy framework.
4. *“Environmental Ethics has become one of the major issue to ensure Environmental justice.”*

In the light of the above statement discuss multi-disciplinary approaches of environmental ethics.

5. What is Environmental Economics? Analyze the environmental protection and economic development with the help of the principles of sustainable development.
6. Write on the following:
 - (a) Cost Benefit analysis
 - (b) Environment Protection Policy, 2006

NLUJAA

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

Time: **3:00 Hrs.**
Total Marks: **100**

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. "Letter of credit is a specialized contract involving a promise by a bank that it will pay to the seller the amount of the contract price subject to defined conditions" Explain various kinds of letter of credit and the role of banks in issuing letter of credit.
2. What are the various risks involved in International Business Transactions? What are the methods used to manage these risks?
3. Conformity of goods is a major reason for legal action under sale of goods contract. Explain the shifting of burden of proof for non-conformity of goods as per Article 35 of CISG.
4. "Trade terms allows parties to designate the point at which the costs and risks of transport are divided between seller and the buyer" Explain the above statement with the help of various INCOTERMS.
5. Discuss various changes in FDI policy of India. Also explain Downstream Investment under FDI.
6. Write a note on:
 - a) CISG and its applicability
 - b) Anti-Dumping

NLUJAA

National Law University and Judicial Academy, Assam

B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2018-2019)

Semester End Repeat Examination (March, 2019)

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

Time: **3:00 Hrs.**

Total Marks: **100**

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 in details the trigger mechanisms to invoke the jurisdiction of the International Criminal Court as well as the grounds of admissibility of a complaint before the International Criminal Court.
2. Critically analyze the concept of immunity under International Criminal Law in the light of the Rome Statute and principles evolved in several judicial pronouncements, international and municipal.
3. Amongst the many progressive provisions provided for in the Rome Statute of the International Criminal Court, the ones relating to victim participation are particularly laudable. Discuss in detail the provisions relating to victim participation in the International Criminal Court as provided for in the Rome Statute as well as the Rules and Procedure of Evidence of the International Criminal Court.
4. Mixed or hybrid tribunals are designed to overcome the shortcomings of purely international criminal tribunals, particularly UN ad-hoc tribunals. Discuss the difference between hybrid tribunals and UN ad-hoc tribunals and describe the hybrid tribunal of Cambodia.
5. Trace the development of the International Criminal Court's exercise of jurisdiction over aggression. Further, discuss the provisions relating to exercise of jurisdiction in cases involving crime of aggression.
6. Write short notes on:
 - (a) Terrorism as an international crime
 - (b) Joint criminal enterprise mode of liability

NLUJAA

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

Semester End Repeat Examination (March, 2019)

Subject Code: 7.4/.5 (CR.1) Socio-Economic Offences & Transnational Organised Crimes

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

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

1. (a) State the circumstances under which the Central Government may regulate the production, supply and distribution of essential commodities and name any five 'essential commodities' as specified in the Schedule of *The Essential Commodities Act, 1955*.

(b) Discuss the procedure to be followed after an essential commodity is seized in pursuance of an Order made under section 3 of *The Essential Commodities Act, 1955*.
2. (a) State the objectives of *The Fugitive Economic Offenders Act, 2018*. Support your answer with suitable illustrations.

(b) Explain the procedure for declaring a person as a fugitive offender as provided for in section 4 of the said Act.

(c) What is meant by Preventive detention? Explain in brief any three enactments which provide for 'preventive detention' in socio-economic offences in India.
3. (a) The Director can pass orders to provisionally attach a property belonging to an accused person if he has reasons to believe that it has been purchased with the proceeds of a crime under a scheduled offence as specified in *The Prevention of Money Laundering Act, 2002*. (PMLA, 2002). Explain the procedure to be followed after such attachment of property is made by the Director.

(b) What is meant by 'proceeds of crime' and 'scheduled offence' under the PMLA, 2002. Support your answer with appropriate sections of law and illustrations.

(c) Explain section 3 and 4 of the PMLA, 2002.

4. On 10/01/2019, Neema went to "Gully Bakery" in Guwahati and bought a box of branded chocolates for her friend Mita's birthday. When Mita opened the box of chocolates she found ants in them. Mita informed Neema about the same and they decided to go and complain to the Manager of the bakery. However, the Manager refused to exchange the box of chocolates or return the money to them. They decided to give a written complaint to the Food Safety Officer appointed under the *The Food Safety and Standards Act, 2006*.
- (a) Discuss the powers of a Food Safety Officer specified under the said Act.
(b) Explain the procedure prescribed in Section 42 of the said Act of 2006.
5. (a) Distinguish between 'Organised crime' and 'Transnational organized crime.' and discuss in brief any three legislations in India dealing with these crimes. Support your answer with suitable illustrations.
(b) State and explain with illustrations the different types of criminal organizations involved in organized crime.
6. Write short notes on:
(a) 'Money laundering' and 'Offence of cross border implications'
(b) 'Adulterant' and 'Misbranded food'
