

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2019-20)

Mid Semester Examination (September - October, 2019)

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

1. 'A' is accused of 'B's murder by beating him. At the time of the incident there was an exchange of words between 'A' and 'B'. Is this fact relevant? Discuss with the help of law and principles that will be applicable in this case.
2. What do you mean by 'Dying Declaration'? Discuss the requirements for a dying declaration to be relevant with the help of appropriate provisions of law.
3. Discuss the provisions that deal with relevancy of motive, preparation and conduct under the Evidence Act, 1872.
4. "Anything said or done or written by any member of conspiracy is an evidence and admissible against the other if it relates to the other".

On the basis of the statement above, discuss the provisions that deal with admissibility of evidence in Conspiracy.

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2019-20)

Mid Semester Examination (September - October, 2019)

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. From the historical era of territorial law to the era of the statist, discuss how the Roman law and 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 the historical significance of the Calvin's or the Postnati case in the study of Private International Law.
3. Elaborate in detail how the theories, particularly the concept of "closest connection" had eventually developed in Private International Law? Support your answer on the basis of decided cases and judicial opinions.
4. Write notes on:
 - (i) Rome Rule
 - (ii) Enforcement of foreign judgments.

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2019-20)

Mid Semester Examination (September - October, 2019)

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.
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Answer any three questions from the following. Question No. 2 is compulsory. All questions carry equal marks.

1. *"A good pleading is concise, precise, relevant and comprehensive, while a bad pleading is prolix, discursive, irrelevant, vague and wanting in particulars. The result of good pleading is dispatch and of bad pleading loss of time, labour, money and judicial urbanity,"*

Define 'Pleading'. Discuss the fundamental rules of pleading.

10 Marks

2. *"Every suit shall be instituted by the presentation of a plaint or in such other manner as may be prescribed."*

What is meant by a 'Plaint'? Explain the essential parts of a plaint in a suit to be filed in the Court of Munsiff No. 1, Kamrup at Guwahati.

10 Marks

3. (i) Distinguish between Compulsory Amendment and Voluntary Amendment of pleadings.
(ii) State the circumstances under which a Court may refuse to grant leave to the parties for amendment of their pleadings.

5+5=10 Marks

4. Write short notes on :

- (i) Particulars
- (ii) Rejection of a plaint by a Court

5+5=10 Marks

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2019-20)

Mid Semester Examination (September - October, 2019)

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.
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 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. "Globalisation pertains to a company's attempt to become accepted as a 'local citizen' in a different trade bloc while transferring as little control as possible over its area of strategic concern." Considering the above statement draw the distinction between the behaviour of Multinational Companies and Transnational Companies in decision making, sales and production. Also explain the term "Globalisation" with the help of examples.
2. Explain various hierarchy of tools and legal concept that courts apply in interpreting the contracts by its reading, use of evidence of prior dealing, course of performance and trade usage as illustrated in **Frigalment Importing v BNS International Sales** case.
3. What are the various risks involved in International Business Transactions? Also elaborate the methods used to manage risk in International Business Transactions.
4. Write explanatory note on the following:
 - Bill of Lading
 - Economic Duress

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National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2019-20)

Mid Semester Examination (September - October, 2019)

**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. Mention the name of the Committee which was set up in 1962 by the Government of India to review the problem of corruption in India and discuss the categories of offences that have been mentioned in the Report of the said Committee. 10 Marks

2. *"The Legislature provides the sword for general use, but, the judiciary unsheathes the sword and uses it in particular cases.*

In the light of the statement given above, discuss the causes for defective enforcement of the prevailing social and economic legislations, according to the 47th Report of the Law Commission of India. 10 Marks

3. (i) Is *Mens rea* a pre-requisite for an offence under *The Essential Commodities Act, 1955*? Explain in brief, supporting your answer with appropriate sections of law.

(ii) State the objectives, burden of proof and any four 'essential commodities' that have been covered in the 'Schedule' of *The Essential Commodities Act, 1955*.

2+8=10 Marks

4. Mr. Kumar along with his family members, had gone for dinner to an outlet of a famous food chain to celebrate his son's birthday. While he was eating the fried rice that had been ordered, he found a worm in it. He called the Manager and complained to him about it, but the Manager told him that the food was not cooked in the said outlet and that it was only brought from their centralized kitchen in another part of the city. The Manager further told him that, the worm may have got into the food during transit and hence he could not do anything about it.

- (i) What is the remedy available to Mr. Kumar under *The Food Safety and Standards Act, 2006*?
- (ii) Explain in detail the procedure to be followed for launching prosecution as prescribed in Section 42 of the said Act of 2006.

2+8=10 Marks

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2019-20)

Mid Semester Examination (September - October, 2019)

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

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

1. Define 'Trademark' and its function. Suggest your client a suitable trademark for a soft drink. Explain why you choose that term.
2. Describe all the absolute grounds for refusal of trademark under the Trademark Act 1999.
3. What is trademark infringement? Differentiate between trademark infringement and dilution of trademark.
4. Answer any **two** (short notes):
 - (a) Norwic Pharmacal order and Anton Piller order
 - (b) The Imperial Tobacco Co. of India Ltd. vs The Registrar of Trade Marks
 - (c) Toyota Jidosha Kabushiki Kaisha vs M/S Prius Auto Industries Limited

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B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2019-20)

Mid Semester Examination (September - October, 2019)

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.
 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. "Federalism denotes division of power between central government and regional government in such a way that each unit acts within a sphere of co-ordinate and independent".
Explain the above statement. What are the advantages and disadvantages of federalism?
5+5=10 Marks
2. How does the Union territories in India contribute to the peculiar form of federalism?
10 Marks
3. Write a note on the special governance mechanism provided for certain 'schedule areas' in mainland and 'tribal areas' in North-East India.
10 Marks
4. How does the regional parties make an impact on the Centre-State relation?
10 Marks

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A.,LL.B.(Hons.): IV - Year, VII - Semester: Academic Year: 2019-2020
Mid-Semester Examination (September-October, 2019)
Course: 7.4/5 IL.1 INTERNATIONAL LAW

Time: 1:30 Hrs.
Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer three questions. It is compulsory to answer the first question. All questions carry equal marks.

1. The state of Aztac was partitioned into two new states of Azgard and Azland majorly on the lines of ethnicity. Although the ethnic composition of these states is similar, the majority population in one is the minority in the other. While the Azgardians are the majority population in Azgard, the Azlandians are minority therein. Similarly, the Azlandians are the majority population in Azland and the Azgardians, the minority population. The state of Azgard decided to trace illegal immigrants living on Azgardian soil and in pursuance of the same, started the process of preparing a register of its citizens. When the register was prepared, it was found that a lot of people belonging to the Azlandian ethnicity were left out of it. A high ranked government minister, X, in his public speech said that those left out of the register were akin to termites and that he and his government would see to it that they are thrown out of the soil of Azgard into Azland. He made similar claims in several interviews with newspapers and news channels and stressed on the importance of doing so to maintain the unity and oneness of Azgard and Azgardians. Azland maintained that no citizen of theirs had illegally immigrated to Azgard and hence, the question of taking the people of Azlandian ethnicity who were left out of the register did not arise at all. Subsequently, civil war broke out in Azgard wherein Azlandians were killed, raped and looted with the intent to annihilate them. Posters claiming that the Azlandian termites deserved to die were put up all over Azgard. Apart from common Azlandian people, even high ranked officials and legislators were targeted. While the Azgardian government did not overtly support it, they did nothing at all to stop it either. Assuming that you are the Prosecutor of the International Criminal Court who has decided to take *suo motu* cognizance of the situation, make an assessment of the crimes that have been committed and the persons who are to be made individually responsible for the same before the International Criminal Court. 10
2. International Criminal Law is one of the newest and most evolving branches of the discipline of Public International Law. Trace the evolution of the same from the Lieber Code to the Rome Statute. 10
3. Give a brief description of the modes of individual criminal liability for the commission of international crimes. Further, discuss in detail the different forms of joint criminal enterprise mode of liability and substantiate it with the help of the decisions of various international criminal tribunals and courts. 05+05
4. Discuss the circumstances excluding criminal liability under customary and treaty based international criminal law. 10