

**NLUJAA**

National Law University and Judicial Academy, Assam

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

**Semester End Examination (December, 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.
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**Answer any five questions from the following. All questions carry equal marks.**

1. Discuss the law relating to proof of legitimacy of a child with appropriate provisions of law.
2. Discuss the law relating to presumption as to abetment of suicide by a married woman.
3. Discuss the scope and application of law relating to confession to a police officer under the Evidence Act, 1872.
4. What do you mean by 'Judicial Notice'? What are the facts of which the judiciary is bound to take judicial notice?
5. A, a client says to B an attorney "I have committed forgery and I wish you to defend me"? Is this communication protected from disclosure? Answer with appropriate principles of law.
6. What do you mean by Expert Opinion? Discuss the subjects on which expert opinion are required under evidence law.

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National Law University and Judicial Academy, Assam

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

**Semester End Examination (December, 2019)**

**Subject Code: 7.2 Conflict of Laws**

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. Critically examine the context of conflict of laws jurisprudence is concerned essentially with the just disposal of proceedings having a foreign element.  
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. Critically discuss the concept of formal validity of marriage and the essential conditions of marriage under private international law. Support your answer on the basis of relevant laws and decided cases.
4. "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.
5. 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.
6. Write notes on:
  - (a) Exceptions to *locus regit actum*.
  - (b) Grounds for marriage under the Foreign Marriage Act, 1969

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National Law University and Judicial Academy, Assam  
B.A., LL.B. (Hons.): IV-Year, VII-Semester (Academic Year: 2019-20)  
**Semester End Examination (December, 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.
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**Answer any five questions from the following. Question No. 5 is compulsory. All questions carry equal marks.**

1. (a) What is meant by a Written Statement? Elucidate the various pleas that may be taken in a Written Statement.  
  
(b) State the rules that should be followed while drafting the grounds of an Appeal. Support your answer with appropriate illustrations.  

7+7=14 Marks
2. (a) Mr. X a resident of Guwahati, had gone shopping with his family to Fancy Bazaar and had parked his car in the 'Parking Zone'. On his return, he found that his car was missing and nobody could help him find his car. Draft an FIR on behalf of Mr. X.  
  
(b) Mr. George had supplied 50 nos. of ECG machines to the Directorate of Medical Education, Department of Health and Family Welfare Assam, in terms of the tender notice dated 15/08/2017. The installation and demonstration of the said machines was completed on 18/07/2018. The total bill amount was Rupees Twenty Lakhs, but till November 2019, payment of only Rupees Five Lakhs had been made to him and the balance payment of Rupees Fifteen Lakhs was due to him till date. Mr. George had taken a loan from the State Bank of India on interest @ 10% p. a. to supply the said machines. Mr. George went several times to the officials of the said Department, requesting them to release the payment of the balance amount due to him, but to no avail. Draft a Notice on behalf of Mr. George, demanding payment of the same.  

7+7=14 Marks
3. Mrs. Kapoor filed a petition for divorce against her husband on the grounds of cruelty. Draft a petition for divorce under the Hindu Marriage Act, 1955 on behalf of Mrs. Kapoor.  

14 Marks

4. Malini lodged an FIR against her business partner Danish in the Beltola Police Station under section 420 /406 of *The Indian Penal Code*, 1860, both of which are cognizable and non-bailable offences. Danish came to know about the said FIR from Mr. Dutta, a neighbour who informed him that the police had come looking for him in connection with the said FIR, on that day. As Danish's lawyer, you have advised him to file a bail application in the District and Sessions Court at Kamrup in Guwahati. Draft the said Bail application on behalf of Danish.

14 Marks

5. State and explain the component parts of a Deed of Conveyance of immovable property.

14 Marks

6. (a) Draft a Will on behalf of Mr. Sharma, bequeathing all his moveable and immovable properties to his family and friends.

- (b) State and explain with suitable illustrations the different types of Writs that can be filed in the Court of law in India.

7+7=14 Marks

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

**Semester End Examination (December, 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.
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**Answer any five questions from the following. All questions carry equal marks.**

1. “Letter of Credit is the life-blood of international commerce, letter of credit takes care of interest of both the importer and exporter and it is considered as the safest method of securing payment in international trade transaction.”, In the light of above statement explain how a letter of credit can solve the transactional problem between a seller and a buyer.
2. “Even if the importing buyer has its place of business in a non-contracting state, in most cases the rules of private international law will lead to the application of the Convention on Contracts for International Sale and Goods (CISG).” Considering the statement explain applicability of UN-CISG as per Article 1 of the Convention.
3. “A breach of contract committed by one of the parties is fundamental if it results in such detriment to the other party as substantially to deprive him of what he is entitled to expect under the contract, unless the party in breach did not foresee and a reasonable person of the same kind in the same circumstances would not have foreseen such a result.” Explain the concept of Fundamental Breach with the help case laws and illustrations.
4. Explain two fundamental parameters which are used to assess dumping of goods with the help of example. Also explain the essentials for initiating anti-dumping investigation.
5. Explain various business models which are facilitated by e-commerce and issues relating to formation and validity of electronic transactions.
6. Write explanatory note on the following:
  - (a) Incoterms
  - (b) Exclusive Jurisdiction Clauses in Commercial Contacts

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

### Semester End Examination (December, 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.
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**Answer any five questions from the following. All questions carry equal marks.**

1. What is the relevance of the notion 'asymmetric federalism' with the Constitution of India?  
What is the impact of globalization on federalism?  
10+4=14 Marks
2. (a) Whether constitution of NITI Aayog is based on the idea of fostering a cooperative federal structure in Indian democratic set up? Write your comments.  
(b) State the role of finance commission in distribution of shares between the Union and the States.  
10+4=14 Marks
3. What is the nature of distribution of legislative power under the Constitution of India?  
Mention some of the important recommendation of Punchhi Commission On Centre-State relations.  
10+4=14 Marks
4. Write a note on the applicability of the following doctrines: 7x2=14 Marks  
(a) Doctrine of Pith and Substance  
(b) Doctrine of Repugnancy
5. What are factors effecting the internal security and public order in a country? State the relation between law, public order and internal security.  
8+6=14 Marks
6. (a) Write a note on comparative study of the federal structure of India and USA. 10 Marks  
(b) Do you agree on the contention that introduction of local self-government leads to multilevel of federalism under Indian democratic set up?  
4 Marks

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

**Semester End Examination (December, 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.
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**Answer any five questions from the following. Question No. 4 is compulsory. All questions carry equal marks.**

1. Gita's driving licence was due for renewal and hence she went to the office of the District Transport Officer to get it renewed. The DTO asked her to pay an amount of six thousand rupees to process the routine driving licence on time.

In the light of the facts given above answer the following questions:

- (a) What offence has been committed? State the punishment that can be awarded by the Court for such an offence. Support your answer with appropriate sections of law and case laws.
  - (b) Discuss in detail Section 20 of *The Prevention of Corruption Act, 1988*.
2. Elucidate the offence of money laundering, punishments, presumption, burden of proof and the circumstances under which properties can be provisionally attached, with respect to *The Prevention of Money Laundering Act, 2002*.
  3. (a) Explain 'organized crime' and 'transnational organized crime' with suitable illustrations. Describe the special investigative tools being used by the law enforcement agencies to combat 'transnational organized crime.'  
  
(b) Discuss in brief the legislative measures taken by the Government of India to counter 'transnational organized crime'.

7+7=14 Marks

4. Mr. Dhananjay an Indian citizen, had allegedly defrauded investors through an elaborate ponzi scheme spanning several years. He fled from India after defrauding several thousand

investors of over Rs. 2000 crores and has intentionally failed to repay the money to the investors and has settled down in Antigua. After the investors came to know about him fleeing the country, several cases were filed against him and his Company but all efforts to extradite him have failed. He is refusing to pay back the investors and is evading criminal prosecution in India.

- (i) State the name and the objectives of the legislation that has been enacted in India to tackle this problem. Mention any six legislations covered in the 'Schedule' of said Act.
- (ii) Define 'fugitive economic offender'. Explain the procedure to be followed in order to declare a person as a 'fugitive economic offender' as provided in the said Act.

7+7=14 Marks

5. What is meant by Preventive detention? Explain in brief the various legislations that provide for 'preventive detention' with respect to socio-economic offences in India.

6. Write short notes on the following:

- (a) 'Scheduled Offence' under *The Prevention of Money Laundering Act, 2002*
- (b) 'Proceeds of crime' and 'Offence of cross border implications'.

7x2=14 Marks

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### Semester End Examination (December, 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.
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**Answer any five questions from the following. All questions carry equal marks.**

1. Discuss the legal regime governing immunity of Heads of State for the commission of international crimes in the light of the arrest warrant issued against Omar al Bashir of South Sudan and other decided cases of international courts and tribunals. 14 Marks
2. The International Criminal Court has finally attained the ability to exercise jurisdiction over the crime of aggression. Discuss in detail the provisions governing the same as provided for under the Rome Statute. 14 Marks
3. Analytically compare the International Military Tribunals established in the aftermath of the Second World War with the UN Ad-hoc tribunals. 14 Marks
4. Discuss 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 with appropriate provisions of the Rome Statute. 8+6=14 Marks
5. The provisions on victim participation in Rome Statute are not only progressive but also laudable. Explain the provisions relating to victim participation in the International Criminal Court as provided for in the Rome Statute, the Rules and Procedure of Evidence and Regulations of the International Criminal Court. 14 Marks
6. Write short notes on: 7+7=14 Marks
  - (a) Special Court of Sierra Leone
  - (b) Special Tribunal for Lebanon

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

**Semester End Examination (December, 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.
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**Answer any five questions from the following. All questions carry equal marks.**

1. An indigenous tribe from Sikkim is famous for their traditional handmade toothbrush from bamboo, a biodegradable article and claimed to have originated in Sikkim for being the first to manufacture it. A group of producers seeks legal assistance from you on Geographical Indication registration. What will be your advice? What are the essential requirements for GI application? How will you write the statement of case in this regard?
2. Trademark and Geographical Indication are mutually complementary or contradictory? Explain by referring to specific provisions of law. Can a GI logo be registered under the Trademark Act?
3. Discuss some famous GI cases registered, pending, refused, abandoned at the GI Registry Office. What are the main factors for success and failure in GI registration?
4. A trademark owner of 'Charm' used in respect of ladies stockings filed for its trademark registration. The Deputy Registrar refused registration by stating that the word 'Charm' has direct reference to the character and quality of the goods when used in respect of ladies' stockings. Elaborate on the fundamental rules of trademark registration and absolute grounds of refusal.
5. The plaintiff has to fulfill a more stringent test (than the deceptive similarity standard) of proving identity or similarity, where trademark dilution is complained. The need to establish "linkage" or mental association of the offending mark, with that of the plaintiff's is one of the vital essentials for securing relief in any claim for dilution. Explain the concept of trademark dilution as per relevant case laws.
6. Attempt **any two** of the following-
  - (a) International trademark application (Madrid system)
  - (b) Lisbon Agreement
  - (c) Cyber squatting and Domain name protection