

**NLUJAA**  
**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**  
**B.A.,LL.B.(HONS.): IV-YEAR, VII-SEMESTER, ACADEMIC YEAR: 2016-2017**  
**END SEMESTER REPEAT EXAMINATION (MARCH - 2017)**  
**SUBJECT CODE: 7.1 LAW OF EVIDENCE**

Time: **2:30 Hrs.**

Total Marks: **70**

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

1. What do you mean by 'Primary evidence' and 'Secondary evidence'? When secondary evidence can be given?
2. Discuss the relevancy of character under the Indian Evidence Act, 1872.
3. What do you mean by 'Burden of proof' and 'Onus-probandi'? Explain the rules relating to presumption of life or death of any person.
4. What do you mean by Confession? Discuss the relevancy of Confession made by Co-accused.
5. Explain the Rule of Estoppel under the Indian Evidence Act, 1872.
6. Write the short notes on any two of the followings:
  - (a) Res- Gestae
  - (b) Hearsay Evidence
  - (c) Doctrine of Alibi

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**END SEMESTER REPEAT EXAMINATION (MARCH - 2017)**  
**SUBJECT CODE: 7.2 CONFLICT OF LAWS**

Time: **2:30 Hrs.**  
Total Marks: **100**

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
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**Answer any five questions from the following. All questions carry equal marks.**

1. Jay Kishan age 25, a Hindu male from Madhya Pradesh met Priya age 17 years and 10 months, a France domiciled Hindu female in Cairo, Egypt where they solemnised their marriage on December 20, 1992. After their honey moon in Cairo, on December 30, 1992 Priya went back to her parents' home, while Jackie went back to UK to complete his Ph. D. in a reputed University. Jay Kishan and Priya continued their relation by correspondence through mail. When Jay Kishan completed his Ph.D. in September, 1996 he came back to India to work as a faculty in a reputed University in Delhi. On November 10, 1997 Priya joined Jay Kishan in Delhi where they solemnised marriage as per Hindu rites and ceremonies. Priya and Jay Kishan had taken a rented place in Vasant Vihar, Delhi as their matrimonial home. On September 16, 1999 they were blessed with a baby girl. In October 2002 Jay Kishan converted to Islam and offered the same to Priya. Priya vehemently refused the offer. However, Jay Kishan persistently offered Priya for conversion. On 14 February, 2003 Priya left for Cairo to her parents house with their child. After months of not hearing any news from Priya, Jay Kishan filed for restitution of conjugal rights under the Special Marriage Act, 1954 on July 10, 2003 at a District Court in Delhi. On receipt of notification for the petition of restitution of conjugal rights, Priya filed a counter petition for dissolution of marriage on the ground of conversion under the Hindu Marriage Act, 1955 in the same court through a family friend in Delhi. In the light of the given facts and circumstances discuss the relevant concepts and legislations of marriage law under Private International Law and on the basis of decided cases.
2. It is the right of every child to grow up in a healthy environment of family which give an ample opportunity for all round development of personality. This is a universal right guaranteed to all children. However, owing the technicalities of laws in different legal systems of the world inter- country adoption had been mired by the prospects of issues and challenges in relation to human trafficking of children in the absence of effective national and international frameworks.

In the light of the above given proposition elucidate the history, concept and development of inter-country adoption in India with the help of relevant judicial pronouncements, statutory frameworks and legislations.

3. The semantics of property under Private International Law assumes the complications of the forum and the application of law relevant to the nature and character of property. One country's description of the nature and character of property may be in contradiction to another country's system of law. As such the role of the Court in deciding the relevant jurisdiction to establish the applicable law is a specialised area of the study of law.

Critically analyse the given statement and discuss the relevant concepts and principles of property under the study of Private International Law.

4. "The challenges for settling of matters between persons involving foreign elements is the classification or characterisation of the legal issues, conceptualisation and institutionalisation of the *lex fori* and *lex causae* and the related antecedents of the related conflict of laws".

In the light of the given statement discuss in detail with help of relevant illustrations and on decided cases the challenges of defining the classification of legal issues in the context of study Private International Law.

5. Discuss the implications determining the intricate relations of domicile and nationality in ascertaining the rights of individual when the issue involves concerns of foreign element(s) of proper law of contract. Support your answer on the basis relevant concepts and on decided cases.

6. Write notes on:

- a) Law of obligations under Private International Law.
- b) The validity of marriage under Private International Law.

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**END SEMESTER REPEAT EXAMINATION (MARCH - 2017)**  
**SUBJECT CODE: 7.3 DRAFTING, PLEADING AND CONVEYANCING**

Time: **2:30 Hrs.**  
Total Marks: **100**

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

1. Explain elaborately the concept of 'Pleading and Conveyancing'.
2. What do you understand by Deed? Elaborate with suitable illustration.
3. Draft an application for divorce on behalf of 'B', whose husband deserted her for the last four years and staying with his paramour at House No. 10, Amingaon, Guwahati.
4. Draft a bail application on behalf of A' who has been arrested by police for an offence under Section 302 of IPC.
5. What do you understand by Onerous Gift? Prepare a Deed of Onerous Gift.
6. What is 'Proclamation' and what shall be the manner of Proclamation?

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**END SEMESTER REPEAT EXAMINATION (MARCH - 2017)**  
**SUBJECT CODE: 7.4 CRI. SOCIO ECONOMIC OFFENCES &**  
**TRANSNATIONAL ORGANIZED CRIMES**

Time: 2:30 Hrs.  
Total Marks: 100

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

1. Write a short note on the doctrine of 'transfer of malice' as envisaged under the Indian Penal Code.
2. Distinguish between any three of the following:
  - (a) Culpable Homicide and Murder
  - (b) Wrongful Restraint and Wrongful Confinement
  - (c) Criminal Misappropriation and Criminal Breach of Trust
  - (d) Theft and Extortion
3. Explain the offence of taking gratification by corrupt or illegal means, to influence public servant.
4. Explain critically the main features of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989?
5. Discuss the main features of the Protection of Women from Domestic Violence Act, 2005.
6. "The Bonded Labour System (Abolition) Act 1976 has failed to remove the social evil of Bondage". Discuss this statement with the help of recent case law.

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**END SEMESTER REPEAT EXAMINATION (MARCH - 2017)**  
**SUBJECT CODE: 7.4 CN.1 FEDERALISM AND CENTER STATE**  
**RELATIONS**

Time: **2:30 Hrs.**  
Total Marks: **100**

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

1. What is the meaning of Federalism? Do you agree that India is a federal State? Support your answer with reasons.
2. What is the significance of Article 246 of the Constitution? In what respect Union Parliament enjoys more power than the State legislature in the field of legislation?
3. Discuss the role of judiciary in maintaining smooth Centre-State relation in India under the Constitution. Give your view in the recent Cauvery water dispute between Karnataka and Tamil Nadu by the Supreme Court.
4. Panchayat Raj is the most important Constitutional organ of local self government at the village level. What powers and functions have been conferred on it by the Constitution?
5. Under what circumstances the President can impose State emergency under Article 356 of the Constitution? Critically examine S.R. Bommai v. Union of India (1994) 2 SCR 644: AIR 1994 SC 1918: (1994) 3 SCC 1.
6. Write brief notes on any two:
  - a) Doctrine of pith and substance
  - b) Doctrine of repugnancy
  - c) Article 370 of the Constitution

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**END SEMESTER REPEAT EXAMINATION (MARCH, 2017)**  
**7.4 IL.1 GENERAL PRINCIPLES OF INTERNATIONAL LAW**

Time: **2:30 Hrs.**  
Total Marks: **100**

**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 five questions. All questions carry equal marks.**

1. The erstwhile Republic of Rudaniza (FRR) disintegrated into more than 7 smaller states. Anuhiza and Profinza are two such countries. 75% of Anuhiza's population adheres to the Chemsu faith while the rest adhere to the Snwesh faith. On the other hand, 65% of Profinza's population adheres to the Snwesh faith and the rest to others. After the disintegration of FRR, General Mlavac belonging to the Chemsu faith came to power in Anuhiza and gave a diktat, which included, several restrictions on the Snwesh faith adherents. Over time, these people were stripped off their citizenship, jobs, property and housed in ghettos. Thereafter, systematic murder of these people occurred which wiped out 2/3 of their population in Anuhiza. Decide whether General Mlavac is liable for the commission of genocide under the Rome Statute of the International Criminal Court as well as the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 with suitable reasons.
2. 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.
3. 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. Discuss the provisions relating to exercise of jurisdiction over aggression by the International Criminal Court and the steps taken in the Kampala Review Conference of the Rome Statute to that effect.
5. 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 briefly describe the hybrid tribunals of Kosovo and Cambodia.
6. Write short notes on any two of the following:
  - a. Terrorism
  - b. Enforcement of sentences by ICC
  - c. Torture

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**END SEMESTER REPEAT EXAMINATION (MARCH - 2017)**  
**SUBJECT CODE: 7.4 BL.1 INTERNATIONAL BUSINESS TRANSACTIONS**

Time: **2:30 Hrs.**  
Total Marks: **100**

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

1. Focus on Journey of transmission from GATT to WTO. Discuss the principles of WTO.
2. What are the basic indicators to establish the case of dumping? What measures are available for curbing the instance of dumping?
3. Discuss the scope and significance of the concept of "Like Product" in anti-dumping measures.
4. Comment on "General Most-Favoured-Nation Treatment" with relevant case laws.
5. Write Explanatory note on:  
(a) Debenture and Bonds  
(b) Preference Shares
6. What do you understand by External Commercial Borrowing (ECB)? Explain with relevant example and laws.

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**END SEMESTER REPEAT EXAMINATION (MARCH - 2017)**  
**7.4 IP.1 LAW RELATING TO TRADE MARKS AND GEOGRAPHICAL INDICATIONS**

Time: 2:30 Hrs.

Total Marks:100

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
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**Answer any five questions from the following. All questions carry equal marks.**

**Q.1** IBM manufactures a high technology software product under the trademark 'avanta'. The mark is unique to the high technology product of IBM. IBM also uses other marks to identify other products manufactured by it. Synergetic, an Indian company has started its production of hearing aids. It desires to market its product under the name 'Avantha' and files an application for registration of trade marks. IBM files objection to its registration and also files a suit for trademark infringement since 'Avantha' has been used on hearing aids of Synergetics. Synergetic approach to you for legal advice; and you engaged in the law firm as IP Attorney at "IP Services & Co.," is leading full service Intellectual Property firm in Asia. What advice should you give? Will IBM succeed? Give your advice with help of *relevant legal provisions and case laws*.

**Q.2** Critically analysis "*the Absolute grounds for refusal of registration*" on the basis of relevant legal provisions and case laws.

**Q.3** Comment on "*Amritdhara Pharmacy v. Satyadeo Gupta*". (AIR 1963 SC 449)

**Q.4** What is a "Well Know" trade mark? State the additional protection available to a well-known trade mark in relation to registration is Section 11 and Infringement in Section 29(4) of the Indian Trademark Act. 1999.

**Q.5** Write Explanatory note on:

- a) Non Traditional(Non-Conventional) Trademarks
- b) Doctrine of Dilution of Trademark

**Q.6** Answer the following Questions:

- a) "Tata Co. has obtain registration for the trademark 'Coorg Coffee'. The coffee grower's Association of Coorg (Mercara) has filed application for obtaining GI protection for the coorg coffee. Tata Co apprehends cancellation of its trademarks consequent to grant of GI status. Do you think the trademark will be cancelled? Comment
- b) Explain the defensive and positive protection of traditional knowledge.

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