

Set I
NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A.,LL.B.(Hons.): IV Year, Academic Year: 2016-2017
End Semester Examination (December-2016)
Subject: Law of Evidence 7.1

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 understand by an admission? Discuss the law relating to admission under the Indian Evidence Act, 1872? Distinguish between admission and confession.
2. Who is an Expert? Explain the relevancy of expert's opinion.
3. What is Documentary evidence? How contents of documents can be proved?
4. What do you mean by Burden of Proof? Upon whom burden of proof lies?
5. Discuss the relevancy of 'conduct' provided under Section 8 of the Indian Evidence Act.
6. Explain the relevancy of 'Dying declaration' with the help of decided cases.

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B.A.,LL.B.(Hons.): IV-Year, VII-Semester: Academic Year: 2016 - 2017
End Semester Examination, 2016
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 four questions from the following. All questions carry equal marks.

1. 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 to the technicalities of laws in different legal systems of the world inter- country adoption 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.

2. A, an Indian entered in contract for manufacture, supply and distribution of mosquito repellent made with a herb found only in India, with B a Sri- Lankan national in Germany. According to the terms and conditions of the agreement any dispute that might arise in connection to the manufacture, supply and distribution of steroid within India, the jurisdiction as well as the applicable law must be Indian laws. When the first consignment of the mosquito repellent was sent to Sri Lanka, it was found that the product did not meet the requirements of international standards. Thus, B filed a case against A for breach of contract in International Chamber of Commerce at Hague. The ICC decided the case in favour of B, thus B approached the Indian Court for enforcement of the decision of the ICC in India.

In the light of the given facts and circumstances discuss the relevant concepts, and principles of law of obligations under Private International Law on the basis of decoded cases.

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 in the study of law.

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

5. Write notes on:

- a) The doctrine of Renvoi.
- b) The concept of succession under private International Law.

17.5 x 4= 70

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B.A.,LL.B.(Hons.): IV-Year, VII-Semester: Academic Year: 2016-2017
End Semester Examination (December, 2016)

7.3: DRAFTING, PLEADING AND CONVEYANCING

Time: 2:30 Hrs.

Total Marks: 70

INSTRUCTIONS:

1. Read the questions carefully.
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Answer any five questions. All questions carry equal marks.

1. Mrs. Rima Thakur is married to Mr. Ramesh Thakur r/o House No 39, Salt Lake, Kolkata on 01 April 2010. She has one son and one daughter aged about four and two years from this wedlock. However, for the past two years Mr. Ramesh is courting his colleague Ms. Rita and has started ignoring his wife and children. Draft a petition for Maintenance under section 125 of Cr. PC for Mrs. Rima Thakur.
2. Mrs. Rupa Mallick aged about 70 years desires to 'will' her entire self-acquired property consisting of a House (House No 36, New Friends Colony, New Delhi), a Car (Tata Nano – DL 4 S 2345) and all that is found in the house to his only son 'Rahul'. Draft a 'Will' for Mrs. Rupa.
3. What do you understand by Drafting? Explain its Objective; golden rule of drafting and Do's and Don'ts of a Good Drafting.
4. Draft an application for Restoration of Conjugal Rights on behalf of Ms. Lily, whose husband has deserted her for the last six months and staying with his paramour at House No. 32, PD Road, Ulubari, Guwahati.
5. Draft a Bail application for and on behalf of Mr. 'A' who has been arrested by Kamrup Police for an offence under Section 376 of IPC.
6. What do you understand by Pleading? Explain its essential points.

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B.A.,LL.B.(Hons.): IV-Year, VII-Semester: Academic Year: 2016-2017

End Semester Examination (December-2016)
7.4 CN.1 : Federalism and Center State Relations

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

1. Discuss the historical background of the origin of Federalism in India. What were the reasons and challenges underlying India's federal system?
2. What are the centralizing features of the Constitution of India?
3. Panchayat Raj is the third most important tier of the Indian federalism. What sort of Constitutional powers and functions are entrusted to the Panchayats?
4. Why is Article 356 regarded as a bane in the federal Constitution? Explain with the help of decided case laws.
5. What has been the significance of Vth Schedule, VIth Schedule and Article 371 of the Constitution of India?
6. Write brief notes on any two:
 - a) Doctrine of Repugnancy
 - b) Doctrine of Pith and Substance
 - c) Cooperative Federalism
 - d) Relation between GST (Goods and Services Tax) and Fiscal Federalism.

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B.A.,LL.B. (Hons.): IV-Year, VII-Semester: Academic Year: 2016-2017

End Semester Examination (December, 2016)

7.4 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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Question No.1 is Compulsory. All questions carry equal marks.

Q.1 Answer the following Questions:

- a) "Bluehouse" is the trademark registered for the proposed chain of Hotels to be built in the new state of Telengana. Mr. Rao, the proprietor of the Bluehouse, directed his architect/ engineer to build the hotel in such a way as to resemble five star hotels. However, these "bluehouse" hotels are ordinary type catering to middle class. Mr. Rao gave wide publicity to the hotels through advertisements stating that '**Bluehouse is the "TAJ" of Telengana**'. He also filed an application in the Trademark office for registration of the tagline and the color 'blue'. TAJ group sues Mr. Rao for infringement of their trademark and also opposes the application in the Trademark office. Mr. Rao takes the defence that no customer in Telengana would confuse Bluehouse for the TAJ and the status of the two are different. Decide with relevant provisions and Case laws.
- b) The Connect India co., an Indian company has been manufacturing and selling smart phones, having obtained valid license on "**FRAND**" terms from the SEP holders for all patented components. They have a registered trademark, "**INMARS**", which is popularized through extensive advertisement and marketing. The phones are sold by retailers by displaying them alongside the popular brands, Samsung and Apple phones. In one of its advertisements the brand ambassador is portrayed as holding 'Samsung Galaxy' and 'Apple i-phone' in one hand and "inmars" in the other hand saying that "inmars" can match Galaxy and i-phone in terms of speed, efficiency and smartness. He says that 'Desi' stay with us and 'Pardesi' stay in 'Pardes' and throws off the two smartphones into sea. The Connect India co., has also purchased keywords in Google advertisement program as a result of which any user searching for Apple and Samsung phones will get a popup of India make advertisement.

Apple and Samsung have issued notice to the Connect India co., to desist from broadcasting the advertisement, change the distribution channels and withdraw from Google program. Will they succeed if they sue Connect India co. Decide.

Q.2 Answer the following Questions:

- a) "Molakalmur sarees" have a Geographical Indications registration in India. The saree, hand woven with specific designs has been produced by weavers spread over in the region in Karnataka. Fashion Garments, the textile company is set up near Molakalmur and produce sarees through machine weaving- mass production mechanism. The prints and designs resemble original Molakalmur sarees. They sell it as 'printed sarees made in Molakalmur by Fashion Garments'. Advise the proprietor of GI; with relevant provisions and case laws.
- b) What is the procedure for obtaining GI registration in India?

Q.3 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) "We are not bound to scan the words as we would in a question of *comparatio literarum*. It is not a matter for microscope inspection, but to be taken from the general and even causal point of view of a customer walking into shop". Comment.

Q.4 "An infringement action is a statutory remedy while passing off action is a common law remedy". Comment on the above statement with help of case laws and draw the distinction between "passing off" action and "Infringement action".

Q.5 What is a "Well Known" trade mark? State the additional protection available to a well-known trade mark in relation to registration in is Section 11 and Infringement in Section 29(4) of the Indian Trademark Act. 1999. How a trade mark is determined to be "well-known trade mark" under section 11? Write a comment on "*Rolex SA v. Alex Jewellery Pvt. Ltd.*" 2009(41) PTC 284 (Del).

Q.6 Write Explanatory note on:

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

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End Semester Examination (December, 2016)
7.4 IL.1 : 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. All questions carry equal marks.

1. The erstwhile Federal Republic of Rexasia (FRR) disintegrated into more than 10 smaller states that constantly fight amongst themselves to expand their territories. Rafulia and Perinia are two such countries. 85% of Rafulia's population adheres to the Razana faith while the rest adhere to the Karana faith. Majority of the adherents of the Karana faith live in the district of Menitza in Rafulia. On the other hand, 95% of Perinia's population adheres to the Karana faith and the rest to others. Under the FRR, Menitza enjoyed autonomy in political and economic matters. After the disintegration of FRR, General Zodina belonging to the Razana faith came to power in Rafulia and gave a diktat, which included, *inter alia*, criminalization of homosexuality. He said that it was against the basic tenets of the Razana faith. One month later, the Rafulian army started killing homosexual individuals and in the process a large number of people adhering to the Karana faith lost their lives. A rough estimate puts the number of dead at 2,458. Decide whether General Zodina 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. 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.
3. The efficacy of the International Criminal Court is evidenced in several provisions of the Rome Statute, including those relating to invocation of the Court's jurisdiction. Discuss the trigger mechanisms to invoke the jurisdiction of the International Criminal Court.
4. Mixed or hybrid tribunals are a novelty in the field of international criminal law designed to remove the several criticisms and shortcomings of purely international criminal

tribunals. Discuss the classification of hybrid tribunals in details and briefly describe the hybrid tribunals of Sierra Leone and Lebanon.

5. The crime of aggression holds a very unique position within the Rome Statute owing to the fact that, despite being a core crime, the International Criminal Court remains unable to exercise jurisdiction over the same. Discuss the reasons for this conundrum and the steps taken to mitigate the same in the light of the Kampala Review Conference of the Rome Statute.
6. Write short notes on any two of the following:
 - a. UN ad-hoc tribunals
 - b. Terrorism
 - c. Torture

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End Semester Examination (December-2016)
7.4 BL.1 : International Business Transaction

Time: **2:30 Hrs.**
Total Marks: **70**

INSTRUCTIONS:

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

1. Pursuant to a treaty between the Farland and the Nearland, the former introduced a measure regarding importation from the latter motor bikes of certain specification. According to the pact Farland agreed to grant duty free treatment to motor bikes and original parts thereof. Of course the facility of duty free treatment was subjected to two conditions. (1) that the Farland importers must meet the definition of motor bike manufacture under the measure. (2) that the eligible manufacture's local production of motor bikes complied with minimum amount of the Farland Value Added(FVA) and; (3) that its local production must maintain a minimum production-to-sales ratio with respect to bike sales in the Farland. The result of such introduction of measure was to give advantage to the exporters of motor bikes from Nearland to the Farland.

The Republic of Midland, another prominent exporter of the motorbikes, raised its concerns about the trade facility granted by the Farland. Accordingly the Republic of Midland brought legal proceeding before the WTO Panel and argued that the "trade facility" provided by the Farland is inconsistent with the principles of non-discrimination under the GATT 1994. Discuss and decide the case.

2. "Dumping *per se* is not illegal; but it becomes unfair trade practice when dumped products cause material injury to like domestic products". Comment upon this statement highlighting the rationale underlying Anti-Dumping Agreement.
3. Critically evaluate the legal personality, organizational structure and decision making authority of the WTO and its Functions under the GATT, 1994.
4. Discuss the scope and significance of the concept of "Like Product" in anti-dumping measures.

5. What do you understand by External Commercial Borrowings (ECB)? Who are eligible borrowers under the Automatic Route for accessing ECB? Explain with relevant example and laws.
6. Write Short Notes on:
- A) Preference Shares and safeguard for the preference shareholders
 - B) Debenture and Bonds

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End Semester Examination (December, 2016)
7.4 CR.1 : Criminal Law - I
General Principles of Criminal Law and Special 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. (a) 'X' removed ornaments from a dead body and kept it with him. What offence has been committed by him?
(b) 'A', 'B', 'C', 'D' and 'E' broke into a house during night. 'A' and 'B' carried instruments useful for house breaking, 'C' and 'D' carried knives and 'E' a revolver. As 'C' was snatching a gold chain forcibly from an inmate another inmate 'P' pointed a gun on him. Before 'P' could shoot, 'E' shot him dead. All the intruders escaped with the golden chain and other ornaments. Outside the house a neighbor 'N' attempted to catch hold of 'D' but 'D' killed him by stabbing. What are the offences for which these five may be charged? Is it possible to plead the right of private defense with respect to killing of 'P.?'
2. Distinguish between any three of the following:
(a) Kidnapping and Abduction
(b) Wrongful restraint and Wrongful confinement
(c) Criminal misappropriation and Criminal breach of trust
(d) Simple hurt and Grievous hurt
3. Write notes in reference to Prevention of Corruption Act, 1988:
(I) Previous Sanction for Prosecution
(II) Criminal Misconduct by Public Servant
4. What is the degree of mens rea required to constitute the offences punishable under sub-section (1) (x), (1) (xi) (1) (xii) and 2(v) of Section 3 of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989?
5. Critically examine the role of judiciary in eradicating the social evil of 'Bondage' and rehabilitation of Bonded Labourers in India.
6. Explain critically the main features of the Dowry Prohibition act, 1961.

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End Semester Examination (December-2016)

7.4 HL.1 : The National, Regional and International Perspective of Human Rights and Human Rights Institution

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. The Human Rights Committee has been constituted for the implementation of the human rights stipulated in the International Covenant on Civil and Political Rights, 1966. One of the procedure or system by which the Committee can carry out the implementation of the ICCPR is elaborately stipulated in Article 41 of the ICCPR, Discuss. Explain the reservations made by India to the International Covenant on Civil and Political Rights, 1966.
2. Article 10 of the Convention on the Elimination of All forms of Discrimination against Women, 1979 (CEDAW) advocates for elimination of discrimination against women to ensure equality of women to that of men in the field to education. In view of the above statement explain the provision relating to education under CEDAW. Discuss the measures relating to education of women adopted by India in pursuance of its international commitment under CEDAW.
3. The fifty-seventh session of the General Assembly of the United Nations in 2002 adopted the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) with the object to prevent torture through the establishment of a system of regular visit to places of detention. Elaborate upon the system created under OPCAT with reference to the mandate and measures specifically incorporated therein.
4. For realization of the human rights and fundamental freedoms for all persons with disabilities, the Convention on the Rights of Persons with Disabilities has specified general obligations which are to be undertaken by the State Parties. Further the individuals with disability are accorded an opportunity to redress the violation of their rights through the mechanism established under the Optional Protocol to Convention on the Rights of Persons with Disabilities. In the light of this statement explain six

obligations of the State Parties and comprehensively discuss about the mechanism referred above.

5. General Assembly of the United Nations have adopted the Transforming our world: the 2030 Agenda for Sustainable Development wherein all countries and all stakeholders have been called upon to act in collaborative partnership to implement the 17 sustainable developmental goals and 169 targets. One of the goals seeks to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. Discuss the means of implementation along with Goal 5 relating to achievement of gender equality as enumerated under the document.
6. The High Contracting Parties to the European Convention on Human Rights and Fundamental Freedoms, 1950 (ECHR) have been conferred the right to derogate from their obligations in securing to everyone within their jurisdiction the rights and freedoms stipulated in the ECHR and the Protocols. Critically analyze the above statement.
