

NLUJAA

National Law University and Judicial Academy, Assam

B.A.,LL.B.(Hons.): IV-Year, VII-Semester (Academic Year: 2017-18)

Semester End Re-registered Examination (February, 2018)

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. Write clear explanatory notes on the following:
 - a) Proved, Disproved and Not proved
 - b) May Presume, shall presume and conclusive proof
2. Relevancy and Admissibility are not co-extensive terms: Comment on this statement by drawing sharp distinction between them.
3. Define Motive. Is preparation to commit an offence, relevant in criminal prosecution? When, and to what extent, is the conduct of a party to a proceeding relevant?
4. What do you understand by an admission? Who are the persons by whom admission can be made?
5. What is 'dying declaration'? How is it proved? What is the principle on which dying declarations are admitted in evidence? (Illustrate with relevant case laws)
6. Distinguish between
 - a) Confession and Admission
 - b) Oral Evidence and Documentary Evidence
 - c) Presumption of Fact & Presumption of Law
 - d) Examination in Chief, Cross Examination & Re-examination.

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B.A.,LL.B.(Hons.): IV-Year, VII-Semester (Academic Year: 2017-18)

Semester End Repeat & Re-registered Examination (February, 2018)

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. Elaborate the historical development of Private International Law through case laws, judicial opinion and conventions and treaties.
2. Discuss in detail the principles of Proper Law of Contract under Private International Law. Support your answer on the basis of relevant laws and decided cases.
3. Elaborate the relevant concepts and principles of *lex situs* vis-à-vis eminent domain in dealing with immovable property 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. "The study of marriage and divorce under Private International Law is an ever evolving concept in an era of globalisation".

Critically examine the given statement and comment on the contemporary study of Private International Law in the areas of marriage and divorce laws.

6. Write notes on:
 - a) Recognition of foreign judgment
 - b) Domicile of illegitimate child

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B.A.,LL.B.(Hons.): IV-Year, VII-Semester (Academic Year: 2017-18)

Semester End Repeat & Re-registered Examination (February, 2018)

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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Question No. 1 & 2 are compulsory. Answer five questions from the following. All questions carry equal marks.

1. Mr. Kumar is the absolute owner of a house in Khanapara, Guwahati and he wants to sell it to Mr. Srinivasan for Rs. 25, 00,000/- (Twenty five lakhs only). Draft a Deed of Sale and state the component parts of a deed in the said deed.
2. Mrs. Bora, entered into an agreement with Mr. Kalita, for purchasing an open plot of land situated in Panbazaar, Guwahati for a sum of Rs. 10,00,000/- (Ten Lakhs only). A part of the purchase money was paid by Mrs. Bora to Mr. Kalita as earnest money. However, Mr. Kalita refused and failed to complete the sale of the said plot of land. Mrs. Bora consulted her lawyer and decided to file a suit for specific performance. Draft the petition for Mrs. Bora.
3. Mr. Rana took a loan of Rs. 2,00,000 /- (Rupees Two lacs) from Mr. Thakkar. Mr. Rana issued a post dated cheque for an amount of Rs. 2,10,000 /- (Rupees Two lacs and ten thousand) only for repayment of the loan. Mr. Thakkar deposited the cheque in the State Bank of India, Ulubari Branch, 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.
4. Rohini lodged an FIR against her husband Ramesh in the Beltola Police Station under Section 498-A of *The Indian Penal Code*, 1860 which is a cognizable and non- bailable offence. The police visited Ramesh's house and office looking for him in connection with the said FIR. Ramesh contacted his lawyer who advised him to file an Anticipatory bail application in the District and Sessions Court at Kamrup in Guwahati. Draft the Anticipatory Bail application for Ramesh.
5. Mr. Manjrekar filed a petition for divorce against his wife on the grounds of adultery by his wife. Draft a petition for divorce under section 13 of the Hindu Marriage Act, 1955 on behalf of Mr. Manjrekar.

6. On 7/06/2017 Abdul was called to the Basistha Police Station by the Officer-in-Charge for some clarification regarding his passport verification. After Abdul reached the police station he was put in the police lockup without being told the reasons for his arrest whatsoever. The next day the police sent him to Guwahati jail, where he is confined till date. Abdul's family and friends have made all possible efforts to find out the cause and reason for his detention but to no avail. Since Abdul has been illegally detained what is the legal remedy in his case. State and explain with suitable illustrations the different types of Writs that can be filed in the Court of Law.

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B.A.,LL.B.(Hons.): IV-Year, VII-Semester (Academic Year: 2017-18)

Semester End Repeat Examination (February, 2018)

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. Explain the definition and nature of International Business Transactions. How is emergence of globalization affecting international business?
2. What are the type of risks in international business? What are the techniques of managing risks in international business?
3. What are the principles governing International Business Transactions?
4. (a) What is the relevance of having a uniform law in international business?
(b) What are the important principles incorporated in United Nations Convention on Contracts for the International Sale of Goods (UNCISG) relating to formation of Contract?
5. What are the key changes in the consolidated FDI Policy 2017? What are the pros and cons of the policy in relation to Indian Economic set up?
6. Write Short Notes on any two of the following:

(a) Sources of International Business Transactions
(b) Principles governing international business.
(c) Foreign Investment Promotion Board (FIPB)

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

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. State the definition of “geographical indication” as per the Geographical Indications of Goods (Registration and Protection) Act, 1999. What are the benefits of this legislation?
2. Who can file the GI application? What are the mandatory details to be provided in the GI Application?
3. Can a GI be registered as a trademark? Give the difference between “authorized user” and “registered proprietor” as provided in the Geographical Indications of Goods (Registration and Protection) Act, 1999.
4. Elaborate the Absolute grounds for refusal of registration of trademark under the Trade Marks Act, 1999.
5. Explain the concept of trademark dilution which is applicable in case of well-known trademarks. Cite the important judicial decisions on the point.
6. Write short notes on the following:
 - a) “Deceptively similar mark” and “distinctive mark”
 - b) Lisbon Agreement

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

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. International crimes tend to be expression of collective criminality but it is extremely difficult to pinpoint the specific contribution made by each individual participant in the joint criminal enterprise. Discuss in details the different forms that joint criminal enterprise can take with the help of decided case laws of various international criminal tribunals and courts. (10+10)
2. Elucidate the difference between hybrid tribunals and UN ad-hoc tribunals and briefly describe the hybrid tribunals of Cambodia and Sierra Leone. (10+5+5)
3. Discuss the different models of jurisdiction that have been developed to avoid the clash of jurisdictions between international courts and tribunals as well as domestic courts under International Criminal Law. 20
4. 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. 20
5. 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. 20
6. Write short notes on the following: (10+10)
 - (a) UN ad-hoc tribunals
 - (b) Torture as an international crime
