

**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
**B.A., LL.B. (Hons.): IV Year – VII Semester: Academic Year: 2015-2016**  
**Mid Semester Examination (October, 2015)**  
**7.1 LAW OF EVIDENCE**

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.
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**Answer three questions from the following. Q.No.1 is Compulsory. All questions carry equal marks.**

1. State and explain with appropriate sections of law whether the evidence sought to be adduced in a trial, in the circumstances given below are relevant and admissible or not in the court of law. (2.5x4=10)
  - i. Ram is accused of the causing grievous hurt to Shyam by beating him. Will anything said or done by Ram or Shyam or the bystanders during the beating or shortly before or after it be relevant?
  - ii. The question is whether Sita robbed Nita? Will the fact that shortly before the robbery, Nita had gone to the market with money in her possession, and she had shown the money to Rajiv in the market be relevant?
  - iii. Kamal is tried for the murder of Aamir. Are the facts that Kamal had murdered Shyama two years ago, and that Aamir knew that Kamal had murdered Shyama, and that Aamir was blackmailing Kamal and extorting money from him by threatening to make his knowledge of the murder public relevant?
  - iv. Ali is prosecuted for the rape of Meena. Is the fact that after the alleged rape, John said in Ali's presence – "the police are coming to look for the person who raped Meena" and after hearing this Ali immediately left for Kolkata relevant?
2. Distinguish between (5x2=10)
  - a) Presumption of law and Presumption of fact.
  - b) Judicial Confession and Extra judicial Confession.
3. (5x2=10)
  - a) State the circumstances under which a fact which is not otherwise relevant becomes relevant. Substantiate your answer with appropriate illustrations.
  - b) What are Signature crimes? Support your answer with appropriate case laws.
4. Who is an "Expert"? Discuss in detail what was held by the Supreme Court in *Selvi v. Karnataka* (2010) 7 SCC 263. (10x1=10)

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**B.A., LL.B. (Hons.): IV – Year, VII – Semester: Academic Year: 2015-2016**  
**Mid Semester Examination (October, 2015)**  
**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. Q. No. 1 is compulsory. All questions carry equal marks.**

1. In 2000, Cherry (20 years) who is an Italian marries Clara (19 years) in England as per all legal requirements. In 2003, they decide to separate and file a petition for divorce in England. Kindly take note that under the Italian law of marriage, the marriageable age is 21 years for man and 18 years for woman. Decide this case in the light of principles of Private International Law.
2. Proving acquisition of a new domicile consists of certain elements. Discuss the basic rules of domicile and distinguish between domicile of origin and domicile of choice with case laws.
3. Private International Law is otherwise called Conflict of Laws. The significance of this subject is underlined in its complexities itself. Kindly define Private International Law with cases and distinguish it from Public International Law.
4. While determining jurisdiction of courts in 'civil and commercial matters', the governing law is Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ("**Brussels Regulation**"), dated 22 December 2000. Discuss various classifications of jurisdictions with relevant provisions.

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**Mid Semester Examination (October, 2015)**

**7.3 DRAFTING, PLEADING, CONVEYANCING**

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. What do you understand by Drafting? Explain its objectives and general rules of Drafting.
2. Ms. Juhi has purchased a Laptop from 'Indigo Laptops, GS Road, Guwahati', which is not functioning properly. Ms. Juhi visited the shop and the service centre several times but the problem was not resolved. She tried to get the Laptop replaced, but all her efforts went in vain. Draft a legal notice stating "resolve the problem within 15 days or otherwise a consumer case would be instituted".
3. Ms. Joly was married to Mr. Lolit on 10.3.2015 according to Hindu customs. However, she is not happy with the marriage and has filed a petition for Divorce on the ground of "Not happy with marriage" on 14 September 2015. Write a Written Statement on behalf of husband opposing the petition.
4. Explain the meaning and object of an Affidavit. Draft an affidavit in a matter given below:-  
"Mr. Xiyang was born to the Ms. Libra at Lady Irvin Hospital, Guwahati on 22.8.1981. GMC wants an affidavit from Mr. Xiyang countersigned by an Executive Magistrate I Class for issue of a birth certificate".

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B.A.,LL.B.(Hons.): IV-Year, VII-Semester: Academic Year: 2015-2016  
**Mid-Semester Examination (October, 2015)**  
**7.4 CN.1 FEDERALISM AND CENTRE STATE RELATIONS**

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

1. "The federal principle is dominant in the Constitution of India and the principle of federalism has not been watered down." Make a critical evaluation of this statement supported by relevant cases.
2. Critically examine the distinguishing features of distribution of legislative powers in India and the United States of America. Do you support the dominance given to the Indian Parliament in this regard?
3. Discuss the scope of power conferred by Article 356 upon the President to declare State Emergency with the help of decided case laws?
4. Write short note on any two of the following: (5 x 2)
  - a) Doctrine of pith and substance
  - b) Doctrine of repugnancy
  - c) Cooperative federalism

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B.A.,LL.B.(Hons.) : IV-Year, VII-Semester: Academic Year: 2015-2016  
**Mid Semester Examination (October, 2015)**  
**7.4 IL.1 GENERAL PRINCIPLES OF 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.

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**Answer any three questions from the following. Q. No. 1 is compulsory. All questions carry equal marks.**

1. Ms. X, an IFS Officer was deputed to the Indian Embassy in Nepal. She was accredited by India as a representative at the 18<sup>th</sup> SAARC Summit. A treaty was drawn up at the summit to which she put her signature on behalf of India. Is the treaty binding on India? Discuss in the light of the Vienna Convention on the Law of Treaties, 1969.
2. "*Pacta tertiis nec nocent nec prosunt*". A treaty does not create either obligations or rights for a third State without its consent. Elaborate as provided under the Vienna Convention on the Law of Treaties, 1969.
3. Discuss the exceptions to the use of force as provided under the UN Charter. Discuss the legality of anticipatory self- defence under the UN Charter.
4. "To those for whom the greatest threat to the future of the international order is the use of force in the absence of a Security Council mandate, one might ask...in the context of Rwanda: if in those dark days and hours leading up to the genocide a coalition of states had been prepared to act in defence of the Tutsi population, but did not receive prompt Security Council authorization, should such a coalition have stood aside and allowed the horror to unfold?"  
Discuss the concept of responsibility to protect in the light of the above stated words of Kofi Annan.

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B.A.,LL.B.(Hons.): IV-Year, VII-Semester: Academic Year: 2015-2016  
**Mid Semester Retake Examination (October, 2015)**  
**7.4 IL.1 GENERAL PRINCIPLES OF 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.
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**Question No. 1 is compulsory. Answer any two questions from Question No. 2, 3 and 4.**  
**All questions carry equal marks.**

1. Akasia and Tekinia are sovereign and neighbouring States. The river Ganzud flows through both their territories. In order to solve their water sharing disputes, the two States entered into a bilateral treaty wherein they agreed on a water sharing arrangement. The opposition party in Akasia protested against the treaty citing that Akasia was at a loss due to the provisions of the treaty. It later emerged that Tekinia had bribed the foreign minister of Akasia who had represented Akasia during the bilateral talks into accepting provisions that were more beneficial to Tekinia. Decide on the validity of the treaty in the light of the Vienna Convention on the Law of Treaties, 1969.
2. Elaborate on the provisions of *jus cogens* as provided under the Vienna Convention on the Law of Treaties, 1969.
3. The collective security mechanism as incorporated in the UN Charter has failed to serve its purpose of maintaining peace and security in the world. Discuss.
4. Critically analyse the concept of responsibility to protect in the light of the erstwhile concept of humanitarian intervention.

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B.A., LL.B. (Hons.): IV – Year, VII – Semester: Academic Year: 2015-2016  
**Mid Semester Examination (October, 2015)**  
**7.4 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. 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 three questions from the following. All questions carry equal marks.**

*Answers should be precise, supported by the relevant provisions and appropriate decisions. If the answer to a particular question depends on additional facts or foundations not provided, candidates must describe how they are related. Credit will be given for the reasoning of the decision than the decision itself.*

1. Answer any two of the following:
  - a) Dixit of Mysore has been running a small scale industry since 1990 weaving silk clothes including sarees. KSIC, a government of Karnataka undertaking has obtained registration for the “Mysore Silk” as a geographical indication in 2006. In 2007, Dixit intends to file an application for registration of trademark “Mysore silk” for the sarees produced in his industry. He approaches you for advice. Advise him as per the Indian IP Laws.
  - b) Explain the defensive and positive protection of traditional knowledge.
  - c) Explain the criteria for registration of plant variety under the Protection of Plant Varieties and Farmer's Rights Act, 2001. Examine the position under UPOV Convention.
2. Cosmogenerics Co., is the producer of mechanical, electrical and electronics appliances as well as cosmetics, and files an application for obtaining trademark registration for the “smell of strawberries” for some of its products. It describes the mark as “smell of strawberries” and claims that the fragrance is stable and durable, that it is capable of creating olfactory memory. Application is filed in UK and India. *Explain whether it can be registered (India-UK)?*
3. Explain the ground for refusal of registration of Trademarks on the basis of dilution of well-known marks.
4. Write explanatory note on any Two of the following:
  - a) Licensing of Trademarks
  - b) Test for determining descriptive – suggestive distinction- Degree of Imagination test.
  - c) Competitors’ need test.



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**Mid Semester Examination (October, 2015)**  
**7.4 CR.1 SOCIO-ECONOMIC OFFENCES AND TRANSNATIONAL**  
**ORGANISED CRIMES**

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.
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**Answer any three questions from the following. Q. No. 1 is compulsory. All questions carry equal marks.**

1. Vidya and Vidyut are 15 Years and 13 Years of age. On a fateful evening, while travelling back from tennis practice, the children were kidnapped. After two days, the mutilated body of Vidyut was found while Vidya's body was found brutally raped and murdered. The police arrested three persons based on statements of witnesses and circumstantial evidences. Kindly discuss the legal issues based on decided cases, law and narrate how the present instance is distinct from trafficking.
2. The Constitution of India, 1950 enshrines the basic principles on right against exploitation. Explain this statement in the light of decided cases.
3. Transnational Organized Crime (TOC) transcends borders affecting the lives of peoples and financial systems, yet it is different from international crimes. Highlight the distinction while explaining TOC and its features under the international legal framework governing TOC.
4. "The General Defences and General Exceptions under the Indian Penal Code, 1860 has a link with 'culpable homicide not amounting to murder' and 'murder'". Deliberate this statement with respect to culpability, knowledge and punishment.

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**Mid Semester Examination (October, 2015)**  
**7.4 EL.1 DEVELOPMENT OF NATIONAL ENVIRONMENTAL LAW**  
**AND POLICY IN INDIA**

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. What are the issues and challenges, India is facing in the mining sector? Critically analyze the District Mineral Foundation framework under The Mine and Minerals Development and Regulation (Amendment) Act, 2015.
2. *'MoEF&CC has not dismantled the environmental governance structure. But it has also not taken measures to strengthen governance'* How far rejigging environmental norms and standards can fit in a complex and contested socio-political milieu of India?
3. Write short notes on the following:
  - a) Environmental Performance Index and India
  - b) Kuznets Curve
4. The idea of natural rights is not only intellectually congenial but also extends to cover animals near humans on the evolutionary scale. Do animal have rights? If yes, how far Animal Welfare norms in India appreciate this philosophy?

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B.A., LL.B. (Hons.): IV – Year, VII – Semester: Academic Year: 2015-2016  
**Mid Semester Examination (October, 2015)**

**7.4 BL.1 INTERNATIONAL BUSINESS TRANSACTIONS**

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

1. “INCOTERMS are the majorly used terms in International Contract of Sale of Goods describing the passing of goods and risk along with the role of buyer and seller.” Explain the statement in the light of FOB & CIF Contracts.
2. “Dumping is a serious concern in International Business Transactions therefore, circumscribed by the anti-dumping measures.” In the light of given statement explain the concept and objectives of anti-dumping measures.
3. “Letter of Credit is the back bone of International Business Transactions.” In the light of given statement explain the principles of Letters of Credit.
4. “The IMF is an international organisation providing a facility for money exchange and borrowing to facilitate and promote International Business Transactions.” In the light of given statement explain the functions of the International Monetary Fund.

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**Mid Semester Examination (October, 2015)**  
**7.4 HL.1 THE NATIONAL, REGIONAL AND INTERNATIONAL**  
**PERSPECTIVE OF HUMAN RIGHTS AND HUMAN RIGHTS**  
**INSTITUTIONS**

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. “United Nations Charter, 1945 contains a number of provisions for the promotion of human rights and fundamental freedoms.”- Elucidate
2. “Universal Declaration of Human Rights, 1948 endorses the universality of human rights and sets out a common standard of achievement of all people and all nations.” – Analyze the above statement critically.
3. “Part IV of the International Covenant on Civil and Political Rights, 1966 deals with the implementation mechanisms.”- In the light of the above statement discuss the inter-state communication system.
4. “No one shall be arbitrarily deprived of his life.”- Explain the statement in the context of the International Covenant on Civil and Political Rights, 1966.

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