

**NLUJAA**

National Law University and Judicial Academy, Assam

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

**Mid Semester Examination (October, 2017)**

**Subject Code: 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 any three questions from the following. All questions carry equal marks.**

1. Point out major distinction between the English Law and Indian Law of Dying Declaration. A who was hit by a bullet stated in the hospital in the presence of the magistrate that B has fired at him. But A did not die of this injury. Is the statement of A admissible in evidence against B? Can it be of any other use?
2. Write notes on the following:
  - (a) Plea of *alibi*
  - (b) *Res Gestae*
  - (c) Test Identification Parade
  - (d) May presume and Shall presume
3. A is tried for the murder of B. Are the facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, relevant? Give reasons for your answer.
4. Distinguish the following:
  - (a) Judicial and Extra Judicial Confession
  - (b) Presumption of fact and Presumption of law
  - (c) Relevancy and Admissibility
  - (d) Admissions and Confessions

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

**Mid Semester Examination (October, 2017)**

**Subject Code: 7.2 Conflict of Laws**

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

1. "Conflict of Laws jurisprudence is concerned essentially with the just disposal of proceedings having a foreign element. It is found on the recognition that in proceedings having connections with more than one country an issue brought before a court in one country maybe more appropriately decided by reference to the laws of another even tough those laws are different from the law of the forum court ...."

On the basis of the above statement elucidate the evolution of Private International Law on the basis of relevant conventions treatise and judicial pronouncements.

2. Discuss in detail the facts, circumstance and significance of Vita Food Products Inc. v. Unus Shipping Co. Ltd. case in the development of the principles of the Private International Law.
3. What do you understand by the subject matter of Private International Law? Support your answer on the basis relevant provisions of law and on the basis of case laws.
4. Critically examine the importance and significance of the study of Proper Law of Contract in Private International Law. Support your answer on the basis of relevant laws and judicial opinions.

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

**Mid Semester Examination (October, 2017)**

**Subject Code: 7.3 Drafting, Pleading and Conveyancing**

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. *"Every pleading must state facts and not law."* Explain the Rule and the Exceptions along with suitable illustrations.
2. What is a Complaint? Enumerate in detail the essential parts of a Complaint.
3. What is meant by a Written Statement? Elucidate the various pleas that may be taken in a Written Statement.
4. Write short notes on: (5x2=10 marks)
  - (a) Objective of Pleading
  - (b) Alternative Pleading and Inconsistent Pleadings

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

**Mid Semester Examination (October, 2017)**

**Subject Code: 7.4/.5 (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. Explain the definition and nature of International Business Transactions? How is emergence of globalization affecting international business?
2. What are the types 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?

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

**Mid Semester Examination (October, 2017)**

**Subject Code: 7.4/5 (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 classical approach to federalism emphasizes that the national government and federating units (States) must be co-ordinate and independent. On this touchstone there is hardly any country in the world which can be designated as federal. Experience has brought the two layers of the government nearer and co-ordination has given way to co-operation and independence has given way to interdependence."

Critically examine the above statement.

2. "Having had the experience of the working of federalism in different countries, the framers of the Constitution of India adopted, modified and innovated some features to suit the requirement of the country with multiplicity of religion, language, culture, ethnicity and geographical variance."

Do you agree with the view that the Indian Constitution contains all essential federal characteristics along with some special features to solve the special problems of the country and therefore, it is a federation sui-generis (of its own kind)? Explain.

3. "Under our Constitution territorial distribution of legislative powers between the Union and the States indicates that a parliamentary law cannot be challenged on account of its extra-territorial operation. But the laws enacted by the legislatures of the States can be. The Judiciary has evolved the doctrine of territorial nexus with a view to save the state laws from being declared unconstitutional on ground of their extra-territorial operation."

Critically examine the above statement and elaborate your answer with help of judicial pronouncements.

4. Write short note on any Two of the following:

- (a) Residuary Powers
- (b) Rule of Repugnancy
- (c) Administrative Relations between Centre and the States



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

**Mid Semester Examination (October, 2017)**

**Subject Code: 7.4/.5 (CR.1) Socio-Economic Offences and  
Transnational Organized 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.
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**Answer any three questions from the following. All questions carry equal marks.**

1. Discuss the tests to ascertain whether an act amounts to preparation or attempt with the help of decided cases.
2. What is private defence? When does the right of private defence of the body extend to cause death? Explain with the help of appropriate provisions.
3. State the circumstances when culpable homicide does not amount to murder with the help of appropriate provisions
4. What are the ingredients of the offence of wrongful confinement? State the differences between wrongful restraint and wrongful confinement.

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

**Mid Semester Examination (October, 2017)**

**Subject Code: 7.4/5 (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.**

1. Define “trademark”, “deceptively similar mark”, “well known mark”. What type of trademark is most suitable for registration?
2. What are the absolute grounds for refusal of registration of a trademark? How does it differ from the relative grounds of refusal?
3. Explain the concept of “trademark dilution” under the Trade Mark Act, 1999 with the help of decided cases.
4. Write brief note on:
  - (i) Pepsi Co. Inc. v. Hindustan Coca Cola Ltd., 2003(27) PTC 305 (Del) (DB).
  - (ii) Madrid Agreement and Protocol.

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

**Mid Semester Examination (October, 2017)**

**Subject Code: 7.4/.5 (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.
  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. Write short notes:
  - (a) Principles of Environmental Law
  - (b) Types of Forests under Indian Forest Act, 1927
2. Environmental justice is a people oriented way of addressing environmentalism that adds a vital social, economic and political element. Elucidate the same on David Harvey's contention in The Environment of Justice.
3. The judiciary has not only played a pivotal role in a manner to interpret the forest laws to protect the forest and environment but it has also shown judicial activism by entertaining public interest litigations. Discuss the same on the basis of judicial attitude towards forest conservation with relevant case laws
4. Discuss the salient features of Environment Protection Act, 1986 and detailed powers of the central government to take measures to protect and improve the environment.

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**Mid Semester Examination (October, 2017)**

**Subject Code: 7.4/5 (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.
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**Answer any three questions. It is compulsory to answer the first question. All questions carry equal marks.**

1. The erstwhile Federal Republic of Hogwarts (FRH) disintegrated into 9 smaller states that constantly fight amongst themselves to expand their territories. Dragonstone and Stormlands are two such countries. 85% of Dragonstone's population adheres to the Archan faith while the rest adhere to the Yesuwa faith. Majority of the adherents of the Yesuwa faith live in the district of Dracarys in Dragonstone. On the other hand, 95% of Stormlands' population adheres to the Yesuwa faith and the rest to others. Under the FRH, Dracarys enjoyed autonomy in political and economic matters. After the disintegration of FRH, General Greyjoy belonging to the Archan faith came to power in Dragonstone and gave a diktat, which included, *inter alia*, criminalization of homosexuality. He said that it was against the basic tenets of the Archan faith. One month later, the Dragonstonian army started killing homosexual individuals and in the process a large number of people adhering to the Yesuwa faith lost their lives. A rough estimate puts the number of dead at 3,051. Decide whether General Greyjoy 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.

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2. The state of Narnia is situated in the continent of Archenland. It is primarily composed of two groups viz. Narnians (majority group) and Archenians (minority group). The state of Narnia was in situation of International Armed Conflict and during the course of the armed conflict, several war crimes and crimes against humanity were committed against the Archenians by the state of Narnia. Mr. X, the accused, a film director, made a propaganda film on the Archenian race at the order of and under the constant control of Mr. Tumnus, the Defence Minister of Narnia. The film was viewed by almost the entire population of Narnia. The accused has pleaded that he could not have refused to obey the orders as the laws of Narnia criminalized refusal to execute military orders punishable by severe penalties including death sentence. Decide on the defence or defences that he can

take in the ICC with reasons and case laws of various international criminal tribunals and courts.

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3. 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 of joint criminal enterprise, mode of liability with the help of decided case laws of various international criminal tribunals and courts.

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4. International crimes by their very nature can also amount to crimes under domestic laws. This poses a problem with regard to the exercise of simultaneous jurisdiction by international courts and tribunals as well as domestic courts. Discuss the different models of jurisdiction that have been developed to avoid this clash of jurisdictions under international criminal law?

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