

**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
**B.A., LL.B. (Hons.): IV-Year, VII-Semester: Academic Year: 2016-2017**  
**Mid-Semester Examination (September, 2016)**

**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. Define the following terms with relevant examples-
  - (a) Fact in issue.
  - (b) 'May presume', 'Shall presume' and 'Conclusive proof'
2. Explain the relevancy of facts under section 8 of the Indian Evidence Act, 1872.
3. Discuss the category of facts of relevance under Section 9 of the Indian Evidence Act, 1872.
4. What do you mean by the term 'Res- Gestae'? Discuss the relevance of the doctrine in the light of the Indian Evidence Act, 1872.

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B.A.,LL.B.(Hons.): III-Year, V-Semester: Academic Year: 2016- 17  
**Mid Semester Examination (September, 2016)**

**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 two questions from the following. Question No. 1 is compulsory.**

1. Aks Kumar, a Hindu and a consul of Indian Government , age 49 domiciled in India met Mary an English consul age 39, domiciled in England in Paris during an international conference for foreign diplomats held on August 5- 9, 1954. They solemnised their marriage in the Indian Consulate General office in Paris ordained by a competent diplomat (marriage officer) on August 10, 1954. After the marriage they went for a week long honeymoon in Switzerland from August 11- 16, 1954. From Switzerland they went back to their respective homes. Aks came back to India and Mary went back to London, England. They continued their relation through correspondence by mail.

In July 04, 1960 Mary arrived for a diplomatic assignment in New Delhi. Before formally joining duty she decided to meet Aks Kumar at his Chanakyapuri residence. On her visit at Aks's residence to her utter dismay Mary came to know that Aks Kumar was already married with three teenage children two daughters and one son age 17, 14 and 11 respectively. Feeling cheated Mary decided to file a suit at a District Court in Delhi pleading for nullity of the previous marriage of Aks on the ground that English law presumes monogamy of marriage.

In the light of the given facts and circumstances discuss the relevant concepts and legislations of marriage law under Private International Law on the basis of decided cases.

2. Jackie age 25, a Christian male Khasi tribe from Meghalaya met Priya age 17 years and 10 months, a Hindu female domiciled in Cairo, Egypt where they solemnised their marriage on December 20, 1992. After their honey moon in Ciaro itself on December 30, 1982 Priya went back to her parents' home in Cairo, while Jackie went to UK to complete his Ph D in a reputed University. Jackie and Priya continued their relation by

correspondence through mail. When Jackie completed his Ph.D. in September, 1986 he came back to India to work to India as a faculty in a reputed University in Delhi.

On November 10, 1995 Priya joined Jackie in Delhi where they solemnised Hindu marriage as well Christian marriage by performing all the essential rites and ceremonies. Priya and Jackie had taken a rented place in Vasant Vihar, Delhi as their matrimonial home. On September 16, 1998 they were blessed with a baby girl.

In October 2002 Jackie converted to Islam and offered the same to Priya. Priya refused the offer of Islam and as such she asserted that she should never be offered conversion again in future. However, Jackie 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, Jackie 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 right 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.

**OR**

3. "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.

**15 x 2 = 30 Marks**

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**B.A.,LL.B.(Hons.): IV-Year, VII-Semester: Academic Year: 2016-2017**  
**Mid Semester Examination (October- 2016)**  
**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. Mr. Tomi married Miss Timi on May 29, 2010 at Ikhar, a village in Gujarat according to Hindu rites. On April 15, 2012, Mrs. Timi left her matrimonial house along with her father and brother and went to stay at her paternal place with all her ornaments and belongings, and did not return till date. Draft a petition for Restitution of Conjugal rights on behalf of husband. Presume the ground(s) at your own, as given in section 9 of the Hindu Marriage Act, 1955.
2. 'Drafting of legal documents is a skilled job'. Elucidate and also elaborate essential points of Drafting.
3. "It is well settled position of law that the whole object of pleading is to give fair notice to each party of what the opponent's case is, and to ascertain, with precision, the points on which the parties agree and those on which they differ, and thus to bring the parties to a definite issue". Illuminate and explain the fundamental rules of pleading.
4. Draft a Written Statement for petition on behalf of the party as given in question number one above.

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**B.A., LL.B. (Hons.): IV-Year, VII-Semester: Academic Year: 2016-2017**  
**Mid-Semester Examination (October, 2016)**  
**7.4 IL1 : 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. All questions carry equal marks.**

1. The state of Tinkerland is situated in the continent of Rudania. It is primarily composed of two groups viz. Termans (majority group) and Phews (minority group). The state of Tinkerland 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 Phews by the state of Tinkerland. Mr. X, the accused, a film director, made a propaganda film on the Phew race at the order of and under the constant control of Mr. Z, the Defence Minister of Tinkerland. The film was viewed by almost the entire population of Tinkerland. The accused has pleaded that he could not have refused to obey the orders as the laws of Tinkerland 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.
2. 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 three different forms that joint criminal enterprise mode of liability can take with the help of decided case laws of various International Criminal Tribunals and Courts.
3. International crimes by their very nature can also amount to crimes under domestic laws. This creates a conundrum with regard to the exercise of simultaneous jurisdiction by International Courts and Tribunals, on the one hand and domestic courts, on the other. What are the different models of jurisdiction that have been developed to avoid this conundrum under international criminal law?
4. Trace the historical development of the concept of crimes against humanity from the Armenian massacre to the Rome Statute of the International Criminal Court. Further, discuss the similarities and dissimilarities between the customary law on crimes against humanity and as enshrined in the Rome Statute of the International Court.



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**B.A., LL.B. (Hons.): IV-Year, VII-Semester: Academic Year: 2016-2017**  
**Mid-Semester Examination (October 2016)**  
**7.1 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. Describe federalism and its essential features. Enumerate the legislative division of power between the Union and the States.
2. Dr. B.R Ambedkar had opined "Article 356 as the last resort." What are the complexities surrounding its application in India. Has the judiciary succeeded in curtailing the misuse of Article 356? Cite relevant cases in support.
3. What are the major challenges to the effective working of federalism in India? Suggest needed reforms for smooth Centre-State relations.
4. Write short note on any two of the following:
  - (a) Niti Aayog
  - (b) Doctrine of pith and substance
  - (c) Article 370 of the Constitution

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**Mid-Semester Examination (October, 2016)**  
**7.4 HR1 : THE NATIONAL, REGIONAL AND INTERNATIONAL**  
**PERSPECTIVE ON HUMAN RIGHTS AND HUMAN RIGHTS**  
**INSTITUTIONS**

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 “Human Rights theories have formulated universal postulates with a considerable influence on the development of human rights law. These theories have equally attracted a number of critiques.” In the context of the above statement explain human right theories based on the ‘Value of Utility’ and ‘Justice’. **5+5=10 Marks**
- 2 The United Nations Charter, 1945 internationalized the concept of human rights – Discuss.
- 3 Analyze the civil and political rights as stipulated in the Universal Declaration of Human Rights, 1948. Explain whether these rights are absolute? **7+3=10 Marks**
- 4 Explain the right to education, right to work and political right as enumerated in the Universal Declaration of Human Rights, 1948. **4+3+3=10 Marks**

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NATIONAL LAW UNIVERSITY, ASSAM

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

Mid-Semester Examination (October, 2016)

**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. Verizon Limited is registered under Companies Act, 1956. Verizon is run by the Mital Group. Verizon has carved a niche in the telecommunication industry. Telephonica Limited (hereinafter referred to as "Telephonica") is popular in the United States of America as the foremost player in the telecommunication industry. On 5th June 2011, the global giant entered into a share subscription agreement with Verizon and subscribed to 40% of its total equity shares. Except Telephonica, there are no other foreign shareholders in Verizon. Indiacom Limited is registered under Companies Act, 1956. Verizon and Indiacom feature in the top 3 market makers in India in the telecommunication industry. Some of the shareholding in Indiacom is as follows – Mr. Francis Desuza (hereinafter referred to as "Mr. Francis") with 24% stake, Mr. Gautam Alija with 3% stake and Mr. Vilas Dottipalli with 9% stake. The remaining 64% shareholding in Indiacom is also held by other resident Indians/resident Indian entities. Altice a company registered as per the laws of France entered the Indian telecommunication market vide a 49% equity shareholding in Indiacom. Altice bought 20% of its 49% equity shareholding from Mr. Francis at INR 500/- per share which was the fair value of the share as per the discounted free cash flow method. As per the terms of the share purchase agreement (the "SPA") executed between Altice and Mr. Francis on 17th May 2011, Altice had the right to exercise an unqualified call option on the 4% of the shares held by Mr. Francis and had also obtained approval from the Foreign Investment & Promotion Board to increase its shareholding in Indiacom upto 55%. After this stake sale, there were several disputes between Mr. Francis and some of the directors of Indiacom. This irreparably damaged the relations between Mr. Francis and Indiacom's management.

In order to maximize the advantages of Mr. Francis's situation and in view of expanding Verizon's presence and name in the Region, Verizon approached Mr. Francis to buy out his 4% stake in Indiacom. Verizon will purchase the 4% shareholding in Indiacom at a price of INR 700 per share thereby valuing Indiacom almost twenty times its current valuation. News of the agreement leaked to the public by reports dated around 13th February 2013. On 14th February 2013, Altice served a notice to Mr. Francis exercising their call option with respect to the 4% shares held by Mr. Francis in Indiacom. A copy of this notice was served on Verizon independently. Disregarding the said notice, Mr. Francis proceeded to transfer his 4% shares to Verizon. The share transfer form (hereinafter referred to as "STF") was sent to Indiacom for registration and entry of the names of the new shareholders into the register of members. On receipt of the STF, a notice was issued for holding a meeting of the Board of Directors of Indiacom (hereinafter referred to as the "Board"). The minutes of the meeting of the Board indicated that the transfer of shares from Mr. Francis to Verizon was rejected. In the Board's opinion, such transfer of shares would violate the present norms under which the FDI is invested in Indiacom. The 49% sectoral cap vide automatic route investment will be breached. For any investment beyond 49% Government approval would be required. Presently, such Government approval is not applied for/taken either by Verizon or by Indiacom.

On the basis of aforesaid facts answer the following questions:

- (i) Whether acquisition of shares by Verizon of Mr. Francis in Indiacom breaches the FDI limits? State the reason of your answer.
  - (ii) Discuss with illustration rules on calculation of downstream investment under FDI Policy 2016.
2. What is FDI under FDI Policy 2016? Explain distinction between debt and equity instruments also rationalize Governments Policy to allow FDI in only equity linked instruments.
  3. Discuss salient features of Foreign Exchange Management Act, 1999.
  4. Write short note on the following:
    - (i) Global Depository Receipts
    - (ii) Definition of Control under FDI Policy

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

**Mid-Semester Examination (October, 2016)**

**7.4 CR1 : 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. All questions carry equal marks.**

1. (a) Define 'crime'. Elaborate essential elements of crime.  
(b) "Generally mind at fault is essential to constitute a crime. But there are some crimes which do not require any kind of legal fault on the part of the accused". Analyze the above statement with the help of decided cases.
2. (a) 'A' finds crops, sown by him, being uprooted by 'B'. Without having recourse to the police for help, he seeks to protect his property and avoid further damage to it by attacking and causing injuries to B. In the fight that ensues 'B' inflicts a knife wound on 'A' which causes his death. Has 'B' committed any offence? Give reasons for your answer.  
(b) "X" was in desperate poverty and tried to persuade his wife to go to her mother's house. She refused and said that if 'X' insisted it was better that she was killed. After asking her two three times if she did not want to leave 'X' cut her with pen knife and killed her. Whether 'X' is liable criminally and if yes, for what offence?
3. (a) A constable tried to apprehend the accused the latter aimed and fired a gun from a very close range at the thigh of the constable thereby causing an injury, which in the opinion of the doctor was sufficient in the ordinary course to cause death. The constable died as a result of injury received by him. Of what offence is the accused, guilty? Give reasons.  
(b) Four persons armed with swords entered into a house and assaulted 'X' living there. They compelled 'Y', another inmate of the house, on pain of death, to catch hold of the hands of 'X' so that he could not struggle and then beheaded 'X'. 'Y' was sent up with the other four persons for prosecution under section 302 of IPC with the aid of section 34 of IPC. Can 'Y' be held guilty and convicted of that offence or of any other minor offence? Decide.

4. (a) What do you understand by 'Dowry Death'? What are the essential ingredients of such an offence? What is the law of presumption applicable in prosecution for the offence of dowry death? To what extent has this presumption affected the traditional law of burden of proof?
- (b) 'M' was stopped in the way by five persons. 'A', 'B', 'X', 'Y' and 'Z'. All of them started beating 'M'. Sustaining injury 'M' fell down on the ground. While escaping 'Z' took away purse of 'M'. What offence/offences has/have been committed by 'A' and 'Z'? Explain with reference to relevant sections of IPC.

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**Mid-Semester Examination (October, 2016)**

**7.4 IP1: 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.**

*Note: 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 for the decision than the decision itself.*

- 1 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)?
- 2 Comment on the case of *Amritdhara Pharmacy v. Satyadeo Gupta*, AIR 1963 SC 449.
- 3 Critically analysis “*the Absolute grounds for refusal of registration*” on the basis of relevant legal provisions and case laws.
- 4 Write explanatory note on any two of the following:
  - (a) Labour Theory
  - (b) Economic Justification in respect of Trademark Law
  - (c) WIPO

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