

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LLB.(Hons.): IV-Year, VII-Semester: Academic Year: 2015-2016
Repeat Examination (January, 2016)
7.1 LAW OF EVIDENCE

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.

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

1. Discuss with suitable illustrations the circumstances under which evidence of any Oral agreement or statement may be admitted for the purpose of contradicting, varying, adding to or subtracting from the terms of a written document. **(14 Marks)**
2. "When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person."
 - (i) Explain in brief what is meant by "burden of proof" and "reverse burden of proof".
 - (ii) State the standards of proof required in civil proceedings and criminal proceedings.
 - (iii) Mohan is accused of the murder of Raja. During the trial, Mohan alleges that due to unsoundness of mind he did not know the nature of the act.

On whom does the burden of proof lie? Give reasons and state the relevant provision of law as provided for in The Indian Evidence Act 1872. **(6+2+6= 14 marks)**
3. Section 114 of the Indian Evidence Act 1872 provides for a set of presumptions of existence of certain facts which the Court "May presume". Discuss any four maxims and how they can be rebutted. **(14 marks)**
4. (a) "Falsus in uno falsus in omnibus"- Does this maxim have any application in India? Justify your answer with appropriate case laws.

(b) Elucidate the legal requirements to be fulfilled before a person can be called as a witness in the Court of law in India. **(4+10= 14 marks)**
5. "The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to civil and criminal procedure respectively".
 - (i) State and explain the Kinds of examination and Order of examination of witnesses in a civil or criminal proceeding before a Court of law as provided in The Indian Evidence Act, 1872.
 - (ii) What are "leading questions"? When can leading questions be asked? **(8+6=14 marks)**
6. Write short notes on any two of the following:
 - (i) Section 41 of The Indian Evidence Act, 1872
 - (ii) Documentary Evidence.
 - (iii) Distinction between Section 113A and Section 113B **(7+7=14 marks)**

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7.2 CONFLICT OF LAWS

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.

Question No. 1 is compulsory. Attempt any five questions. Each question carries 14 marks.

1. A testator bequeathed property to Veronica's "first and other sons lawfully begotten". Veronica married Franko when she was 16 years (fraudulently) and soon after the ceremony her friend's managed to rescue her from there. Both of them were of English domicile. After 16 years, she wanted to marry Abel and they got the divorce from Franco from Scotland by staying there for 40 days. Later she was married to Abel and had two daughters and son from him. The question was whether the second marriage was valid and whether her first and other lawfully children succeed the will. The matter is before the English court. Kindly adjudicate the same with the help of precedents on this issue.
2. Explain the criteria for inter-country adoption of a child with special reference to Indian position.
3. "The action or process of referring a case or dispute to the jurisdiction of another country is termed as *Renvoi*." The US courts does not recognize this principle, however this concept has been well documented through case laws by English courts. Explain this concept with its classification and decided case laws.
4. "A severable part of the contract which has a closer connection with another country may by way of exception be governed by the law of that country." This has been highlighted under the Rome 1 Regulation on Contractual Obligations. Discuss in the light of basic rules for the ascertainment of the applicable law in international contracts.
5. "A Person not born with the status of legitimacy may be later legitimated." Deliberate upon the basic rules relating to legitimation under private international law.
6. Give a summary of the Conventions dealing with Jurisdiction of Courts and Choice of Law in Commercial Contracts.

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7.4 CN.1 FEDERALISM AND CENTRE 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.
 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. The framers of the Indian Constitution learned a good deal from the experiences of America, Canada and Australia's federalism. Discuss in what manner the federal system differs amongst the three both, in doctrine and practice.
2. The landmark decision of the Supreme Court in *S.R. Bommai v. Union of India* has fundamentally altered Centre-State relations with long term consequences. Critically analyze this case.
3. Describe the role and significance of Council of States (Rajya Sabha) to achieve the original purpose of federal equilibrium enshrined under the Constitution of India.
4. Legislative powers of Parliament under the Indian Constitution are subject to the federal scheme of distribution of legislative powers. Elaborate with the help of decided cases.
5. What do you understand by the doctrine of repugnancy? State the scope and ambit of Article 254 of the Constitution of India with the help of relevant cases.
6. Write short notes on any two of the following:
 - (a) NITI Aayog
 - (b) Doctrine of pith and substance
 - (c) Residuary power

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B.A.,LL.B.(Hons.): IV-Year, VII-Semester: Academic Year: 2015-2016
Repeat Examination (February, 2016)
7.4 BL.1 INTERNATIONAL BUSINESS TRANSACTIONS

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. Discuss the history and development of the World Trade Organization. Comment on effects of its guidelines on Indian foreign trade policy.
2. Discuss the nature of Contract of International Sale of goods. What are the common problems in International business transactions? Comment on their existing solutions commonly adopted by the countries.
3. What do you mean by TRIPS? Discuss its nature and importance in international trade.
4. Explain the concepts of Capital Account Transaction and Current Account Transaction. Distinguish between them.
5. Discuss the role of the International Monetary Fund in facilitating global business. How does it work in balancing currency exchange?
6. What do you mean by multimodal transportation? Explain the nature and salient features of the Multimodal Transportation of Goods Act, 1993.
7. Explain the nature and utility of the Bill of Lading.

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7.4 IL.1 GENERAL PRINCIPLES OF INTERNATIONAL LAW

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.

14 each

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

1. Metropolis and Gotham are sovereign and neighbouring states. They are rich in oil and natural gas. In order to strengthen their oil and natural gas industry, the two States entered into a bilateral treaty wherein they agreed on a water sharing arrangement. The opposition party in Gotham protested against the treaty citing that Gotham was at loss due to the provisions of the treaty. It later emerged that Metropolis had coerced the foreign minister of Gotham who had represented Gotham during the bilateral talks into accepting provisions that were more beneficial to Metropolis. Decide on the validity of the treaty in the light of the Vienna Convention on the Law of Treaties, 1969.
2. Critically analyse the exceptions to the general prohibition on the threat of use of force as provided for under the Charter of the United Nations.
3. Critically analyse the concept of responsibility to protect in the light of the erstwhile concept of humanitarian intervention.
4. "Every internationally wrongful act of a State entails the international responsibility of that State". Discuss the various kinds of circumstances precluding wrongful act of a State under the Draft Articles on Responsibility of States for internationally wrongful acts.
5. Geoffrey is an employee of the diplomatic mission of Australia in India. He has been accused of raping a woman in New Delhi. In pursuance of the allegations and preliminary investigation by the police, the Government of India has declared him as *persona non grata*. However, the Government of Australia has neither recalled the person concerned nor terminated his functions with the mission. Decide whether he can be prosecuted for the offence of rape in India in the light of the Vienna Convention on Diplomatic Relations, 1961.
6. Discuss the different kinds of immunity available to employees of a consulate as given under the Vienna Convention on Consular Relations, 1963.

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7.4 CR.1 SOCIO-ECONOMIC OFFENCES AND TRANSNATIONAL
ORGANIZED CRIMES

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. Explain the rights against exploitation as enumerated under the Constitution of India, 1950 and discuss the provisions on trafficking in human beings under the Indian Penal Code, 1861.
2. Explain the offences covered under the UN TOC Convention, 2000 and relate it to provisions in the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973.
3. Discuss the existing International legal framework on transnational organized crime.
4. Discuss the offences against person as mentioned under the Indian Penal Code, 1861 with special reference to offences against woman.
5. The Santhanam Committee report was instrumental in categorizing socio-economic offences and white-collar crime. Elaborate.
6. There are various theories of organized criminal behavior. Discuss any three of them with special emphasis on Social disorganization theories of crime.

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7.4 EL.1 DEVELOPMENT OF NATIONAL ENVIRONMENTAL LAW
AND POLICY IN INDIA

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.

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

1. The STATE OF AWESOME's FOREST DEPARTMENT constructed some permanent buildings inside the protected areas of KINGZEE NATIONAL PARK. They have also constructed a check dam across the free flowing natural stream in this area which has disturbed the freshwater aquatic life. The national park is habitat of endangered tigers, lions tailed macaques, mouse deers, great pied hornbill elephants and frogmouth birds, as an environmental lawyer, draft a petition to move the High Court with all relevant provisions that have been violated by the forest department.
2. Write short notes on the following:
 - (i) National Green Tribunal's *suo moto* power
 - (ii) New Agricultural Policy 2010
 - (iii) Participatory Irrigation Management in India (Any state specific framework)
 - (iv) Attitudes towards Disaster Prevention and Management in India
3. Evaluate Environment and Development in India with some legal thoughts for the present Government and draw a comparative picture against previous government.
4. The concept of intergenerational equity primarily rests on the equality amongst the existing generations. But, if anything, this entire logic has to be understood in the context of the needs and the present generation, given that the primary causes of ecological degradation and exploitation of the natural resources are to satisfy the needs of the current generation. In the light of this, discuss the significance of sustainable development in the context of Indian Judiciary with relevant case laws?
5. Briefly analyze:
 - (i) Development of 'environmental ethics' - ways and means;
 - (ii) Market based approaches and environmental conservation.
6. Ecological experts have lamented the decline of "nature worship" and have spoken wistfully of the need to import "Eastern Concepts of respect for the quality of all life forms." Even some of the most secularized nations are calling for a rediscovery of the sacredness of nature. For educationalists and human resource policy makers, religion centered education may be the answer for bringing about environmental behavioral change. Place a sound legal argument in reference to this statement with an emphasis to any particular religion.

