

**NLUJAA**

National Law University and Judicial Academy, Assam

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

**Special Repeat Examination (October, 2017)**

**Subject Code: 7.2 Conflict of Laws**

Time: **3:00 Hrs.**

Total Marks: **100**

**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 <sup>five</sup> ~~three~~ questions from the following. All questions carry equal marks.

1. It is the right of every child to grow up in a healthy environment of family which give an ample opportunity for all round development of personality. This is a universal right guaranteed to all children. However, owing to the technicalities of laws in different legal systems of the world inter-country adoption mired by the prospects of issues and challenges in relation to human trafficking of children in the absence of effective national and international frameworks.

In the light of the above given proposition elucidate the history, concept and development of inter-country adoption in India with the help of relevant judicial pronouncements, statutory frameworks and legislations.

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. Discuss the relevant concepts and principles of Law of Property under Private International Law. Support your answer on the basis of relevant laws and decided cases.
4. "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.

5. "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 the help of relevant illustrations and on decided cases the challenges of defining the classification of legal issues in the context of study of Private International Law.

6. Write notes on:

- (a) *Lex loci contractus*.
- (b) *Lex loci celebrationis*.

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**Special Repeat Examination (October, 2017)**

**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. All questions carry equal marks.**

1. The crime of aggression holds a very unique position within the Rome Statute owing to the fact that, despite being a core crime, the International Criminal Court remains unable to exercise jurisdiction over the same. Discuss the reasons for this conundrum and the steps taken to mitigate the same in the light of the Kampala Review Conference of the Rome Statute.  

10+10
2. Mixed or hybrid tribunals are designed to overcome the shortcomings of purely international criminal tribunals, particularly UN ad-hoc tribunals. Discuss the difference between hybrid tribunals and UN ad-hoc tribunals and briefly describe the hybrid tribunals of Kosovo and Cambodia.  

10+10
3. The erstwhile Republic of Raphiana (FRR) disintegrated into more than 7 smaller states. Ashakai and Poromiya are two such countries. 75% of Ashakai's population adheres to the Kamola faith while the rest adhere to the Weshna faith. On the other hand, 65% of Poromiya's population adheres to the Weshna faith and the rest to others. After the disintegration of FRR, General Saruman belonging to the Kamola faith came to power in Ashakai and gave a diktat, which included, several restrictions on the Weshna faith adherents. Over time, these people were stripped of their citizenship, jobs, property and housed in ghettos. Thereafter, systematic murder of these people occurred which wiped out 2/3 of their population in Ashakai. Decide whether General Saruman 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.  

20
4. Amongst the many progressive provisions provided for in the Rome Statute of the International Criminal Court, the ones relating to victim participation are particularly laudable. 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. 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.

12+8

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

**Special Repeat Examination (October, 2017)**

**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.
2. No clarification shall be sought on the question paper.
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### 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 for the decision than the decision itself.*

1. Mishings, tribe in Assam have a unique practice of preparing formulations by use of Ashwagandha leaves and bark of Eucalyptus tree for curing snake bites. The process of preparation is known only to Mishings in Assam. Syngenta's (AN AMERICAN BASED MNC) representative, on his tour of Assam came in contact with Mishings, collected information and after developing active ingredient, applies for patent in India and USPTO. An NGO approaches to you as you are engaged in the law firm as Senior Associate at "India IP Associates" which is a leading full service Intellectual Property firm in Asia. NGO desire to help Mishings. *What advise should you give?*
2. OREOTEX LTD., a silk weaving factory in Orissa has been using popular names for its products as Mugha, Chines, Tiwanese silk etc., It also got some of them, in particular 'Mugha' registered. An association formed in Guwahati, of all producers of Mogha sarees in Assam, files an application for registration of Mugha as a GI. The GI registry registers the GI and issues a certificate to the Association. The association desires to get the trademark of Oreotex Ltd., factory cancelled. *Will they succeed?*
3. Critically analysis "*the relative grounds for refusal of registration of trademark*" on the basis of relevant legal provisions and case laws.
4. Define significant features of "Patent Cooperation Treaty" and also define "registration process of Patent" in India with help of relevant legal provision.
5. Write explanatory note on any Two of the following:
  - (a) Labour Theory
  - (b) Economic Justification in respect of Trademark Law
  - (c) WIPO

