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PRESIDENCY UNIVERSITY BENGALURU

**SET A**

SCHOOL OF LAW

**END TERM EXAMINATION – MAY / JUNE 2024**

**Semester :** Semester VIII - 2020

**Course Code :** LAW402

**Course Name :** Conflict of Laws

**Program :** BA LLB Honors

**Date :** June 14, 2024

**Time :** 01.00pm to 04.00pm

**Max Marks :** 100

**Weightage :** 50%

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Question paper consists of 3 parts.*
3. *Scientific and non-programmable calculator are permitted.*
4. *Do not write any information on the question paper other than Roll Number.*

**PART A**

**ANSWER ANY FOUR QUESTIONS 4Q X 5M = 20 MARKS**

* 1. What is an Incidental Question?
  2. What is plea of lis aibi pendens?
  3. Write a short note on Capacity to Marry.
  4. Define the proper law theory.

(CO1) [Knowledge] (CO1) [Knowledge] (CO2) [Knowledge] (CO2) [Knowledge]

* 1. What was the rule held under the case of British South Africa Co. v. Companhia de Mozambique?

(CO1) [Knowledge]

* 1. Comment briefly on Consular Marriages.

(CO2) [Knowledge]

**PART B**

**ANSWER ANY FOUR QUESTIONS 4Q X 10M = 40 MARKS**

* 1. Analyze the meaning, nature and scope of Private International Law. Explain the need of unification of Private International Law in the globalised world.

(CO3) [Application]

* 1. Interpret the doctrine of partial renvoi and distinguish the same from foreign court theory. Discuss as to whether and if so, to what extent the doctrine of renvoi is recognised by English law.

(CO4) [Application]

* 1. "There is no rule more firmly established in private international law than that which applies the maxim locus regit actum to the formalities of marriage." Apply the principle that formalities of marriage are governed by lex loci celebrationis and point out the exception to the above principle.
  2. Develop the concept of Proper Law of Contracts with relevant case laws.

(CO5) [Application]

(CO6) [Application]

* 1. What is the proper law to govern cases where lex situs does not remain constant throughout the material time? Examine the conditional sale and hire purchase transactions while applying the principle in Cammell v Sewell.
  2. Examine the rules of English private international law regarding
     1. the powers of an English court in respect of minors and
     2. the authority of a foreign guardian in England.

(CO2) [Application]

(CO3) [Application]

**PART C**

**ANSWER ANY TWO QUESTIONS 2Q X 20M = 40 MARKS**

* 1. Janet Anne-Ross a British subject domiciled in Italy died in Italy leaving movable properties in England. She had left a will distributing her properties both in England and Italy by which nothing was given to her only son. According to the Italian law, the son was entitled to a share of her properties. A suit was brought in England on the basis of the above Italian rule. Adjudicate the case by employing the doctrine of double renvoi. Also state the similar landmark case in this regard.

(CO5) [Analysis]

* 1. "Regarding marriage two major issues of choice of law have to be examined: the choice of law rules governing thhe formal validity of a marriage and those rules governing its essential validity or capacity." Evaluate with the help of case laws.

(CO4) [Analysis]

* 1. Consider a situation where two parties from different countries enter into a contract that includes a choice of law clause specifying the laws of Country A. Subsequently, a dispute arises between the parties, and one party argues that the choice of law clause is invalid because it violates the public policy of Country B. Evaluate the enforceability of the choice of law clause in light of the public policy exception under private international law.

(CO6) [Analysis]