



'समानो मन्त्रः समितिः समानी'

UNIVERSITY OF NORTH BENGAL

LL.M. Non-Specialization 3rd Semester Examination, 2021

PRIVATE INTERNATIONAL LAW

PAPER CODE: LL.M.DE-3.1

Time Allotted: 4 Hours

Full Marks: 100

The figures in the margin indicate full marks.

Write any four questions. All questions are of equal value.

25×4 = 100

1. Private International Law is that branch of Municipal Law of a country which neither decides a case nor resolves a dispute but it merely indicates what law is applicable in any specific case of conflict between Public International Law and Municipal Law. — Discuss.
2. Elaborately discuss the Theories of conflict of laws and their contributions in development of Private International Law.
3. Examine the process recognition and enforcement of foreign judgments under Private International Law. Rules and application of foreign judgments in Indian perspective.
4. Two domiciled nationals of Poland got married in Austria in a Roman Catholic Church on May 19, 1945. They did not perform the civil ceremony as required by the Austrian law and that time the Austrian law did not recognise any other ceremony. On June 30, 1945 the Austrian law was passed validating all the marriages retrospectively provided the marriage was duly registered under the law. The husband registered the marriage without the knowledge of his wife. The wife, later on, celebrated another marriage in England. On her prosecution for bigamy, the English court held that the Austrian marriage was valid.
In the light of the aforementioned statement write a brief note on factors validating a transnational marriage.
5. “A person’s domicile is that country in which he has or is deemed by law to have his permanent home”.
In light of the statement discuss:
(a) The concept of Domicile under Private International Law.

- (b) General Principles in respect of Domicile
- (c) Distinguish between domicile and nationality.

6. (a) Enumerate the various theories of renvoi. 15+10

- (b) Suppose A, a British subject whose domicile of origin was English, died intestate domiciled in France, leaving the movable property in England. Decide as the English court and suggest the possible outcomes.

7. *“Quid quid est in territorio est etiam de territoria” – Every state has jurisdiction over everything situated within and over every person present within the territories.*

In light of the statement, discuss the jurisdiction and legal framework of Indian Courts in transnational disputes.

8. Write notes on any *two* of the following: $12\frac{1}{2} \times 2 = 25$

- (a) Proper law of Contract
- (b) *Lexfori* and *lexcausae*
- (c) Liability in Civil Law.

—x—