

B.A. LL.B (Hons.) DEGREE SEVENTH SEMESTER EXAMINATIONS, NOVEMBER 2018

CONFLICT OF LAWS

Time: 3 Hours

Maximum Marks: 50

Answer ANY FIVE of the following. Each question carries TEN marks

(5x 10 = 50)

- I. Discuss the origin and development of conflict of laws. Examine the various issues and theories related to the same.
- II. "It is now well settled that by English law the proper law of the contract is the law which the parties intended to apply" –comment. Which system of law governs the contract in the absence of a choice of law clause made by the parties?
- III. All aspects relating to the validity of marriage having a foreign element is governed by *lex loci celebrationis*. Critically analyse the judgement.
- IV. State the salient principles of the law of succession with special reference to conflict of laws issues relating to the same. Examine the position in England and India.
- V. What are the theories governing the private international law of torts? Explain the position in the European Union and India with the help of relevant judicial decisions.
- VI. Examine the relevance of characterisation in the decision of cases having foreign elements. Analyse the process of characterisation and its various relevant theories.
- VII. Answer **BOTH** questions:
 - (a). When Natalia Romanova was born in England her father was domiciled in India. When she was 22 years old she chose USA as her domicile. At the age of 40 she left USA in order to make England her permanent home, but died on the way. Decide her domicile at the time of death.
 - (b). Nakia and T'Challaare first cousins validly married in England. After marriage they settled down in France. According to French law marriage between first cousins is void. T'Challaare without divorcing Nakia , marries Okouy in France. Examine the validity of T' Challaare's subsequent marriage
- VIII. Write short notes on:
 - (a) Legitimacy and Legitimation
 - (b) Conflict of laws issues relating to divorce and judicial separation
 - (c) Assignment of intangible movables