

2022**LAW****Private International Law****Paper : 1002A (Optional Paper)****(NEW SYLLABUS)**

Full Marks : 80

Time : 3 Hours

*The figures in the right-hand margin indicate full marks.**Candidates are required to give answers in their own words as far as practicable.***Answer Question No.1 and any five from the rest.****1. Answer any ten of the following questions.****2×10=20**

- i) What is Pacific Means of Settlement?
- ii) What is law relating to inter-country adoption?
- iii) What are general principles of law recognized by civilized nations?
- iv) Define Pacta Sunt Servanda.
- v) Distinguish between international law and municipal law.
- vi) What is Jus Cogens?

[Turn over]

- vii) Jurisdiction under rules of Private International Law.
 - viii) Characterization and Renvoi
 - ix) Distinction between recognition '*de facto*' and '*de jure*'.
 - x) What is Domicile of origin?
 - xi) What is Domicile of choice?
 - xii) Domicile of married women in India.
2. What are the various amicable means of settlement in international disputes? Illustrate your answer from International practice. 8+4
 3. "The relationship between international law and municipal law has been an uneasy compromise between Monism and Dualism." Explain the theoretical foundation of the relationship in the light of *Grammophone Co. India v. B.B. Pandey*, AIR 1984 SC 667. 12
 4. What are the theories governing Private International Law of Torts? Explain the UK and Indian positions with the help of decided cases. 7+5
 5. Examine the law of responsibility and the consequences of State Responsibility. 12

6. "To recognize a political community as a state is to declare that it fulfills the conditions of statehood as required by international law. If these conditions are present, the existing states are under a duty to grant recognition." (*Lauterpacht*).

Do you agree with this view? What are the principal theories of recognition? Discuss with the help of state practice. 3+9

7. Discuss the issues under Private International Law relating to Inter Country Adoption. Explain the Indian position in the light of ratio propounded in *Laxmi Kant Pandey vs. Union of India* (2001) 9 SCC 379. 8+4

8. Under what circumstances the courts in India will recognize and enforce the foreign judgment? Discuss in the light of statutory provisions and decided cases. 12

9. "*Starke* has affirmed that asylum stops where extradition begins. Extradition and Asylum are political acts of States and it differs from State to State depending upon treaties, internal and external policies, and this interdependence makes it suitable to consider the two subjects together." Explain. 12