



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – BBA LL.B.-2019

Course Name – Private International Law

Course Code - BBALLB904

(Semester IX)

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

- (i) Identify the term that you would choose to describe private international law
 - a) Conflict of Laws
 - b) Domestic Law
 - c) Public International Law
 - d) Criminal Law
- (ii) Identify the subject of Private International Law-
 - a) Individuals from different countries
 - b) Individuals from the same country
 - c) Corporations only
 - d) Government entities
- (iii) Choose the principle which private international law prioritizes in resolving conflicts-
 - a) Sovereignty
 - b) Equality
 - c) Universal jurisdiction
 - d) National interest
- (iv) Identify while choosing the applicable law, private international law considers-
 - a) Jurisdiction
 - b) Choice of law rules
 - c) Conflict resolution mechanisms
 - d) Court procedures
- (v) Identify the clause of Section 13 of the CPC, 1908 states that the judgment must be according to the principle of natural justice
 - a) clause a
 - b) clause d
 - c) clause c
 - d) none of these
- (vi) Identify the international treaty that is often used as a reference in private international law
 - a) Vienna Convention on Diplomatic Relations
 - b) Geneva Conventions
 - c) Hague Conference on Private International Law
 - d) United Nations Charter
- (vii) Identify the organization that provides specialized rules for the arbitration of disputes in the field of sports

- a) FIFA (Fédération Internationale de Football Association) b) IOC (International Olympic Committee)
- c) Court of Arbitration for Sport (CAS) d) NBA (National Basketball Association)
- (viii) Choose from following, The principle of party autonomy allows the parties involved in a dispute to
- a) Choose the applicable law b) Choose the judge
- c) Choose the witnesses d) Choose the court location
- (ix) Identify the primary objective of private international law
- a) To promote nationalistic policies in legal disputes b) To limit cross-border transactions
- c) To facilitate international cooperation in resolving conflicts of laws d) none of these
- (x) Identify the principle of comity in private international law that refers to
- a) Cooperation and respect between countries b) Consistency in court decisions
- c) Harmonization of laws d) The principle of territoriality
- (xi) Identify the factor by which domicile is not influenced
- a) Intent to remain indefinitely in a particular place b) Marriage to a person from a different country
- c) Owning property in a specific location d) Registering to vote in a new state
- (xii) Choose the correct term that is best to describes a person who holds multiple nationalities
- a) Nationalist b) Citizen
- c) Stateless d) Dual national
- (xiii) Identify the meaning of the term arbitrability
- a) The impartiality of the arbitrator b) The jurisdictional scope of the arbitration agreement
- c) The number of witnesses in the arbitration proceeding d) The choice of arbitration venue
- (xiv) Identify organization provides specialized rules for the arbitration of disputes in the field of sports
- a) FIFA (Fédération Internationale de Football Association) b) IOC (International Olympic Committee)
- c) Court of Arbitration for Sport (CAS) d) NBA (National Basketball Association)
- (xv) Select the correct term that is synonymous with nationality
- a) Race b) Religion
- c) Identity d) Language

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the meaning of Domicile. (3)
3. Distinguish between Domicile and Residence. (3)
4. Explain the meaning of Domicile of Choice. (3)
5. Describe the meaning of Connecting Factor in Private International Law. (3)
6. Evaluate the meaning of the term Personal Law (3)

OR

Evaluate the theory of justice of private international law (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Explain the case of Ogden v. Ogden in the light of its significance in the growth of Private International Law. (5)
8. Explain the essential validity of marriage. (5)
9. Explain the theory of lex fori of characterization. (5)
10. Explain the differences between Private and Public International Law. (5)
11. Illustrate the process of initiating an international arbitration proceeding in Private International Law. (5)
12. Explain the theories of divorce under the Indian Law. (5)

OR

Distinguish the grounds of divorce between Indian and English Law. (5)
