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21 (10) PINL 10-4

2019

**PRIVATE INTERNATIONAL LAW**

Paper : 10-4

Full Marks : 80

Time : Three hours

**The figures in the margin indicate full marks for the questions.**

1. Fill in the blanks with appropriate answers given in the brackets:  $1 \times 10 = 10$

(i) Private International Law is a set of \_\_\_\_\_ rules.

(procedural/substantive)

(ii) Private International Law determines which \_\_\_\_\_ applies to a given dispute.

(legal system/code of conduct)

(iii) A domicile by \_\_\_\_\_ is that in which the individual has elected a domicile for himself. (choice/operation of law)

Contd.

(iv) According to \_\_\_\_\_ theory, the movables have no fixed situs. (Lex Actus/Domicile)

(v) \_\_\_\_\_ is the only test of jurisdiction in Divorce. (Situs/Domicile)

(vi) Under Indian domestic law a child born within \_\_\_\_\_ days of the death of the father is presumed to be the legitimate child. (280/180)

(vii) The mutual disclaimant theory provides for application of \_\_\_\_\_ law. (external/internal)

(viii) The foreign court theory is also known as the Doctrine of \_\_\_\_\_ Renvoi. (Single/Double)

(ix) The obligation theory was laid down in the year \_\_\_\_\_. (1842/1865)

(x) An action in \_\_\_\_\_ determines title to something in a conclusive manner effective against all persons. (rem/personam)

2. Write short notes on the following: \_\_\_\_\_  
5×2=10

(i) Conflict of Laws

(ii) Distinction between domicile and nationality

(iii) Restitution of Conjugal Rights

(iv) Theory of Proper Law

(v) Theory of Comity.

3. Define Private International Law. Discuss the scope and subject matter of Private International Law. 2+10=12

OR

Distinguish between Private International Law and Public International Law. What are the theories of conflict of laws? 6+6=12

4. Discuss the theories of particular assignment of tangible movables. 12

OR

Define Trust. Discuss the rules of Private International Law in determining the validity of the instrument for creation of trust and the choice of law by which a trust is governed. 2+5+5=12

5. What are the forms of divorce? What are the grounds of divorce under Matrimonial Causes Act, 1973? Discuss how jurisdiction is determined by English Courts in cases relating to divorce. 2+5+5=12

**OR**

Define Legitimation. What are the different modes of legitimation? What are the rules regarding the choice of law in cases of legitimation under English Law?

2+5+5=12

6. Discuss the Mutual Disclaimant Theory and Theory of Proper Renvoi? Discuss the scope of application of Renvoi. 6+6=12

**OR**

"The problem of Renvoi arises in those cases where the rules of Private International Law either refer to the law of the forum or refer to the law of a Third Country." Critically discuss in detail the Doctrine of Renvoi.

12

7. Discuss the theories of Recognition of Foreign Judgment. 12

**OR**

Discuss the Indian Law relating to direct execution of Foreign Judgments. 12