

6 MAY 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination April-May 2024

Semester: UG X Semester

Subject: Private International Law

Time: 3 Hours

Marks: 100

*Instructions:*

1. Attempt any five questions.
2. Each question is of 20 marks.

Q.1) The connecting factor of domicile acts as one of the bases of jurisdiction in private international law.

a. Explain the principle of domicile as developed in England through case law and held applicable in India.

b. Ascertain the domicile of A in the following case:

A continued to stay in Jodhpur on an Australian passport by seeking permission from the Government of India for further stay at Jodhpur for a specified period. He also purchased a house near Umed Bhawan and land near the Mehrangarh fort.

(10\*2=20 Marks)

Q.2) Shahnawaz, a Muslim male, domiciled in India married Jolly, a Christian female domiciled in England. The marriage took place in England. After the marriage, Jolly embraced Islam and the couple settled down in Mumbai, India. Three years after the marriage, the husband dissolved the marriage according to Muslim Law in India. Examine whether the marriage between Shahnawaz and Jolly is validly dissolved.

Decide to apply the relevant rules of private international law. Refer to judicial decisions.

(20 Marks)

Q.3) Mansukh and Hasmukh were the candidates for the provincial election held in March 2024. Hasmukh won the election. Furious at his defeat, Mansukh filed a petition claiming that Hasmukh was not an Indian citizen and, hence ineligible to contest the election. The



petition states that Hasmukh is Tanzanian by birth, still a citizen there, and his marriage with an Indian citizen does not make him an Indian eligible to contest the election.

Mansukh is required to prove Tanzanian law before the Indian court. Advise him on the rules of proving, pleading, and excluding foreign law in India.

(20 Marks)

Q.4) a. State the rules related to applicable law in the given situation:

An order of custody of the child, who is an American citizen, has been obtained from the Court of Nevada in favor of the father. The mother brought the child to India before the pronouncement of the order and the child has been studying in India for the last two years. The mother does not want to return the child.

b. The Hague Convention on the Civil Aspects of International Child Abduction, 1980 is yet to be acceded by India. Critically analyze the judicial trend relating to inter-country child abduction before the decisions in the *Surya Vadanam v State of Tamil Nadu* (2015) case and those after.

(10\*2=20 Marks)

Q.5) In India, the rules to determine the applicable law for disputes arising from a contractual obligation with a foreign element have been developed by the judicial decisions.

The decisions suggest that party autonomy plays an important role in identifying the proper law of contract. Is party autonomy absolute? Discuss with the help of relevant case-laws.

(20 Marks)

Q.6) Write short notes on any two:

- a. Doctrine of *forum non-conveniens*
- b. Applicability of Double Actionability Rule in Non-contractual Obligations
- c. Inter-Country Surrogacy

(10\*2=20 Marks)