

**NLUJAA**

National Law University and Judicial Academy, Assam  
One Year LL.M. Degree Programme, I-Semester (Academic Year: 2019-20)

**Semester End Examination (October, 2019)**

**Subject Code: 1.2 Comparative Public Law / System of Governance  
(Compulsory Paper)**

Time: **3:00 Hrs.**

Total Marks: **100**

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

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**Answer any four questions from the following. All questions carry equal marks.**

1. International and supranational law shapes increasingly public law at the domestic level. Choose at least one international jurisdiction and:

- (a) Compare the reception of that law in two domestic jurisdictions by choosing a specific area.
- (b) How should domestic courts approach or adjudicate international law? Be sure to give examples of different judicial practices.

10+15=25 Marks

2. "... in all its successive phases, constitutionalism has one essential quality: it is a legal limitation on government... but the most ancient, the most persistent and the most lasting of the essentials of true constitutionalism still remains what it has been almost from the beginning, the limitation of government by law"- McIlwain.

Critically analyse the above statement with appropriate examples of different legal systems.

25 Marks

3. "Some have suggested that having a closer working relationship between the branches of government would end "gridlock" and lead to a more efficient government. Others have argued that the separation of powers was specifically created to "slow down" the pace of government to ensure cool deliberation and not emotional reactions."

Critically examine the given statement. Does the separation of powers result in reasonable deliberation, or excessive delay? Advance your answer with appropriate examples of at least five legal systems in the world.

15+10=25 Marks

4. "... amidst of clash of arms the laws are not silent. They may be changed, but they speak the same language in war as in peace. It has always been one of the pillars of freedom, one of the principles of liberty for which on recent authority we are now fighting, that the judges are no respecters of persons and stand between the subject and any attempted encroachments on his liberty by the executive, alert to see that any coercive action is justified in law." – Lord Atkin, *Liversidge v Anderson* (1942) A.C. 206.
- a) Assess the continuing value or even the actual existence of the rule of law in today's burning world with the help of given statement.
  - b) Consider how judges have interpreted the principles of the rule of law, with reference to recent case laws in India and United State of America.
  - c) Analyse the attitude of the United Nations towards the protection of rule of law in the international arena.

10+7+8=25 Marks

5. Distinguish between direct, representative, participatory and constitutional democracy. In the context of representative democracy, explain who may introduce a bill in parliament. Rely on applicable case laws to support your answer, with specific reference to how the law was developed as a result of the relevant case. Describe the various strategies that are the most important measures for public involvement in the legislative process and then explain how one determines whether or not the legislature acted reasonably in achieving the balanced relationship between representative and participatory democracy.

8+5+12=25 Marks

OR

The Chief Minister of state "Z", upon the completion of 3 years out of five years' tenure of his government recommends to the Governor of the state for the dissolution of the legislative assembly and holding of election on the ground of seeking a fresh mandate from the people. The Governor defers to dissolves the legislative assembly on the ground that the entire period of the five years of the state government has not elapsed and instead recommends imposition of President's rule under Article 356 of the Constitution of India.

Discuss the validity of the Governor's actions in the light of constitutional principles and case laws. What is the extent of judicial review exercisable by the courts in such cases?

15+10=25 Marks

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## NLUJAA

National Law University and Judicial Academy, Assam  
One Year LL.M. Degree Programme, I- Semester (Academic Year: 2019-20)

**Semester End Examination (October, 2019)**

**Subject Code: 1.3 Law and Justice in a Globalizing World**

Time: 3:00 Hrs.

Total Marks: 100

### INSTRUCTIONS:

1. Read the questions carefully and answer.
  2. Unnecessary queries on the question Paper shall not be entertained.
  3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any four questions from the following. All questions carry equal marks.

1. What do you understand by 'Justice according to Law'? Do you think that "Austin's notion of Law as a Command of Sovereign has become inapplicable in today's modern world."

Analyse critically

2. Explain the principles of justice developed by John Rawls. Express your opinion about its applicability to the provisions of affirmative action as provided under Indian Constitution.

3. Write short notes on:

- (a) Impact of Globalization on Environment
- (b) Global Economic Justice
- (c) Globalization and Human Rights
- (d) Global Health Issues
- (e) Cosmopolitanism

4. Do the States still have the means to claim to be sovereign in the face of Globalization? Discuss the impact of Globalization on the Sovereignty of States.

5. What is the relation between Justice and Morality? Is it always proper to follow the principle of morality while defining justice?