

NLUJAA

National Law University and Judicial Academy, Assam
One Year LL.M. Degree Programme, I-Semester (Academic Year: 2018-19)

Semester End Examination (October, 2018)

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.

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

1. Make a comparative analysis of federalism in USA, Canada and Australia with special reference to the role of states, dominions or colonies in International agreements in each of the above mentioned country.
2. Discuss succinctly how Rule of Law is a new discourse in the contemporary times. Also discuss the relatedness of the four key notions: governance, rights, justice and development with the help of the reading THE RULE OF LAW IN INDIA by Upendra Baxi.
3. There was a clear shift in judicial thinking visible in the post emergency period. Issues like poverty, health, education, hunger, gender, and empowerment were no longer local in nature. They were inviting global focus and response. Analyze the role of judiciary and its jurisprudence as a social architect from 1977 to the present times with the help of landmark judgments of the Supreme Court of India.
4. Make a comparative analysis of judicial review in India and USA. Also attempt a brief account of the judicial approach on judicial review of Constitutional Amendments in chronological order with the help of landmark cases of the Supreme Court of India.
5. Make a comparative analysis of status of Separation of Powers in democracies of your choice. What is your opinion on the activist role of the Judiciary in India? Do you think it is contrary to the very philosophy of Separation of Powers?

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Semester End Examination (October, 2018)

**Subject Code: 1.3 Law and Justice in a Globalizing World
(Compulsory Paper)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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 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. Ethics, in the form of political and moral philosophy, poses the most fundamental questions about responsibilities at the global level and aims to produce a tightly reasoned set of frameworks and principles regarding the possibility of a just world order.

Discuss the relationship between ethics and global justice with relevant examples.

2. With the exploding growth of globalized production networks, the high levels of intra-firm trade, and the continuing integration of capital markets on a global scale, governments in the 1980s began to create and experiment with various international and supranational governance regimes, which were allowed to take global justice and the state over some of the functions of market control that had traditionally devolved upon states. During this period a host of new actors appeared in the international arena. From the IMF to the WTO, from large transnational firms to NGOs, from human rights movements to aid agencies, these actors working beside, above or below the state powerfully influenced the domestic life of national societies and began to form what observers called an “international civil society”.

What do you understand by global economic justice? How can international institutions such as the International Monetary Fund [IMF], the World Bank, and the World Trade Organization [WTO] address the global economic problems facing the world at large?

3. Environmental protection becomes compatible with economic justice primarily through attributing environmental degradation to wasteful overuse of natural resources.

Is there a conflict between seeking environmental protection and advancing economic justice? How does the principle of sustainable development contribute to this discussion?

4. Amartya Sen, in the Grotius Lecture, delivered to the 105th Annual Meeting of the American Society of International Law [Thirteenth Annual Grotius Lecture Series,

Washington, DC, March 23, 2011], articulates the following: “How, then, does the idea of human rights relate to law? It is not surprising that there is a strong temptation to link human rights to law. While the idea of human rights is of comparatively recent origin, the concept of legal rights is old, well established, and widely used. Also, the language of human rights is clearly influenced by legal terminology. Furthermore, those who fight for human rights work often enough to promote fresh legislation in that direction.”

Discuss the relationship between human rights, law, and global justice, with reference to the Universal Declaration of Human Rights [UDHR].

5. That many important activities of IOs can be regarded as administrative in nature does not remotely suggest the existence of a general global public administration; there is no global government or global parliament, nor are there real global equivalents of other structures within which national administrations are nested.

Discuss the emergence of Global Administrative Law in relation to International Organizations. Discuss whether there is a need for the creation of a ‘Global State’.

6. Discuss:
 - (a) John Rawl’s contribution to the understanding of distributive justice.
 - (b) The differences between ‘nationalism’ and ‘cosmopolitanism’ with contemporary examples.
