

LL.M. End Semester Examination: November-2016

Law and Justice in a Globalizing World

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**
Course: Law and Justice in a Globalizing World
Semester-I (Batch: 2016-17)

LL.M. End Semester Examination: November-2016

Date: 11th November, 2016

Duration: 3 hours

Max. Marks: 70

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-A

Marks

Question number five is compulsory and from the remaining answer **any three**.
(word limit: 700-750 words each)

- | | | |
|-----|--|------|
| Q.1 | <p>'Defining a relatively new notion of global law with a definition that reflects all the ramifications of the concept is not an easy task. It appears that the concept of global law is rather lacking the precision and formality that can normally be expected from a classical legal system. The challenge is to distinguish global law from other disciplines claiming a direct link to or regulatory effect over international matters'.</p> <p>Describe the concept of global law. Elaborate on the related legal notions which can be distinguished from the concept of global law.</p> | (10) |
| Q.2 | <p>'Trade liberalization, which is aimed at the reduction of artificial barriers to international trade in goods and services, is considered to be one of the most significant features of globalization in recent years. It is designed to achieve 'free trade' amongst countries across the globe; however, 'free trade' has become one of the most contentious issues in the era of economic globalization.'</p> <p>What is the impact of globalization on Indian economy? Whether the existing international trading norms are effective enough to render global justice for the countries with dissimilar economic conditions? Elucidate.</p> | (10) |
| Q.3 | <p>'As a pragmatic approach to global justice leads to questions of universality and universal enforcement of legal norms, contemplating justice on a global scale in today's world can easily be seen as an almost impossible. The issue of global justice therefore promises nothing but an enormous scope of inquiry'.</p> <p>Examining the notion of global justice, elaborate on what goals it must serve. Critique on the three kinds of legitimate claims that constitute the idea of global justice.</p> | (10) |
| Q.4 | <p>'The term 'rule of law' is a disarming phrase; it suggests ostensible simplicity. It symbolizes an inspiration about basic values and seeks to guide authoritative and</p> | (10) |

- Q.4 "The term 'rule of law' is a disarming phrase; it suggests ostensible simplicity. It symbolizes an inspiration about basic values and seeks to guide authoritative and controlling decision making to secure the most ancient objective of all law, which is to defend and to promote the common interest of all the people. Rule of law further indicates an aspirational future of a realizable global justice and dignity". (10)

Page 1 of 3

LL.M. End Semester Examination: November-2016

Law and Justice in a Globalizing World

Critique on how to symbolize an idea of global rule of law as a model to realize global justice.

- Q.5 Write a short note on **any one** of the following (**word limit: 350-400 words**): (1x5=05)
- (a) Harmonization of Private Commercial Law
 - (b) Core Labour Standards and Trade

Part-B

Question number **ten** is compulsory and from the remaining answer **any three**.
(**word limit: 700-750 words each**)

- Q.6 "We should be concerned not with the redistributing of resources, but with protecting individuals' rights to *what they already have*. In other words, the question of whether a particular distribution of goods is just should be answered by reference to whether the *initial acquisition* was just. So, where I acquired my property by freely entering into a contract, I am entitled to keep it." (10)
Do you agree with the above proposition? Discuss the same in the light of "Entitlement Theory of Justice" with special reference to the present happenings.
- Q.7 "My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of social contract as found, say, in Lock, Rousseau etc. In order to do this we are not to think of the original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of *the original agreement*. They are the principles that *free and rational persons* concerned to further *their own interests* would accept in an *initial position of equality* as defining the fundamental terms of their association. These principles are to regulate all further agreements, they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call *justice as fairness*." Elucidate. (10)
- Q.8 The links between law and morality constitute the subject-matter of an age-old jurisprudential debate. Ought the law to concern itself with morality? Ought the law to reflect shifts in public opinion concerning moral question? What significance ought to be attached? The function of the law is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and provide sufficient safeguards against exploitation and corruption. Some of the views that the courts retain a residual power, where no statute has intervened to supersede the common law, to superintend those offences which are prejudicial to the public welfare. (10)

In the light of the above mentioned statement, discuss in brief the followings in the

where no statute has intervened to supersede the common law, to superintend those offences which are prejudicial to the public welfare.

In the light of the above mentioned statement, discuss in brief the followings, in the luminosity of present international and national developments along with the views of relevant thinkers:

- (a) Has society, the right to pass judgment on matters of morals? Ought there, to be a public morality or morals always a matter for private judgment?
- (b) If society has the right to pass judgment, has it also the right to use the weapon of the law to enforce it?
- (c) If so, ought it to use that weapon in all cases or only in some, and if only in some, on what principles should it be distinguished?

Page 2 of 3

LL.M. End Semester Examination: November-2016

Law and Justice in a Globalizing World

Q.9 Analyze the followings in brief:

(2x5=

- (a) Bentham's pannomion
- (b) Social Choice Theory

10)

Q.10 Clarify the following (word limit: 350-400 words):

(05)

Is liberty more important than equality?
