

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law and Justice in a Globalizing World
Semester-I (Batch: 2019-20)

LL.M. End Semester Examination: November-2019

Date: 11th November, 2019

Duration: 3 hours

Max. Marks: 60

Instructions:

- The respective marks for each question are indicated in-line.
- Do not write anything 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.
- Use of calculator other than calculator in mobile phone, gadgets is permitted.

Marks

Part-A

- Q.1 Indian Constitution plays a serious role as a domestic legal system to contribute to global justice. What are the legal provisions of Indian Constitution that can be taken into consideration and how are they to be interpreted to advance global justice? Explain with illustrations. (08)

Or

Can one start with the principle of no-harm or no-injury as an essential ingredient of global justice especially when there is no clear definition of what is global justice? Identify one area of your choice of law or legal profession and enlist 5 suggestions to make them contribute to global justice with no-harm or no-injury principle.

- Q.2 How do you think an individual in the society can contribute to global justice? Enlist three areas of your choice along with practical insights in which an individual works for implementation of the same to advance global justice in the society. (08)

Or

The role of public international law in promoting global justice is immense. Explain them in the context of Article 2 of the United Nations Charter.

Article 2 reads the following:

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. *The Organization is based on the principle of the sovereign equality of all its Members.*
2. *All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.*
3. *All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.*
4. *All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.*
5. *All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.*

6. *The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.*
7. *Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.*

Part – B

- Q.3 “Law may be conceived as a wisdom of the wise men of old, who had learned the safe course or the divinely approved course for human conduct. Law may also be conceived as a philosophically discovered system of principles which express the nature of things, to which, therefore, man ought to conform his conduct.” Elucidate the relevance of the above mentioned proposition with reference to nature and scope of law and justice in a globalizing world in the light of different views of thinkers. (10)

Or

“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. 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. (10)

- Q.4 What are Rawls main objections against utilitarianism? Does his theory of justice overcome these objections? Discuss in the light of the present Indian context. (08)

PART – C

- Q.5 ‘The relentless drive for financial globalization, which is the reality on which any discourse on law, justice, and fairness must be based, presupposes a principled respect of private property rights and the primacy of economic value over any other asset assessment’. Analyse the concept of global justice in the light of undisputed reality of financial globalization. (08)
- Q.6 ‘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’. Critique on how to symbolize an idea of global rule of law as a model to realize global justice. (08)
