

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

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

LL.M End Term Examination: November 2019

Date: 11th November, 2019

Duration: 3 hours

Max. Marks: 50

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 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.

PART-A

Fill in the Blanks

Marks

(1X20
=20)

1. Theory of _____ explains that the relationship between international law and municipal law is one and unified.
2. In the context of global justice, the State under the Indian Constitution shall endeavour to promote _____.
3. Encouragement of international disputes through _____ settlement is also a part of global justice.
4. Article 38 of the Statute of the International Court of Justice deals with _____.
5. Article _____ explains the purposes and principles of the UN Charter.
6. No state shall use or threat to use force against territorial integrity or political independence of any State has been explained in Article _____.
7. _____'s concept of justice, which is 'justice as fairness', is very much influential in present day's arguments on substantial justice.
8. _____ viewed that human beings are ends in themselves and cannot be treated as means to an end, however charitable and desirable that end can be to (the majority of) others.
9. Declaration on the Right to Development was adopted by the UN General Assembly in the Year _____.
10. _____ argued that protection of basic human good should be globally based on 'basic functioning capability equality'.
11. _____ may eliminate the possibility of realizing claims for redistribution, and representation.
12. _____ claims that modernism is too centralized and monolithic in its mindset.

13. 'All human sufferings must be taken equally seriously' is a legitimate claim for _____.
14. In the Theory of Justice (Rawls) less than equal liberty must be acceptable to those with the _____.
15. To attain a just society (Rawls) derivation of principles which will enable an expression of that vision to be enunciated so as to reflect _____.
16. According to Robert Nozick equality and Liberty are ----- each other.
17. _____ number of principles emerge from the original position of the Rawl's theory of justice.
18. Nature has placed mankind under the governance of two, _____ sovereign masters.
19. The people in original position will therefore save some of their resources for _____ generations.
20. Law as the dictate of _____ for the Natural Law Theory.

PART-B

State True or False

1. Law and justice in a globalising world is an attempt by the international community towards the making of global justice. (1X10 =10)
2. Indian Constitution has no legal provision within the municipal legal system to provide gateway for global justice.
3. Mechanisms provided under the United Nations Organization towards international peace and development are thwarted most of the times by the lack of consensus in the international community system as reflected in the General Assembly Resolutions.
4. Global law is in an embryonic phase.
5. Postmodernism rejected tradition and authority and is based on reason and science.
6. Global law primarily is a multicultural, multinational, and multidisciplinary legal phenomenon.
7. Right to emigrate is not a basic human right according to Rawls.
8. My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the Social Contract as found say, in Locke, Rousseau and Kant.
9. Two children and a flute: an illustration by Plato.
10. Bob the poorest, would tend to get fairly straightforward support from the economic utilitarian.

PART -C

1. Which case in the Supreme Court of India dealt with international cultural township and community towards global unity, justice and peace? (1X20 =20)
 - (a) SP Mittal vs Union of India.
 - (b) Keshavananda Bharati vs Union of India.

- (c) Mohini Jain v. State of Karnataka.
 - (d) I.C. Golaknath and Ors. vs State of Punjab and Anrs.
2. Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body has been mentioned in_____.
- (a) Article 253
 - (b) Article 246
 - (c) Article 235
 - (d) Article 264
3. Subject to the provisions of (Indian) this Constitution, the executive power of the Union shall extend;
- (a) to the matters with respect to which Parliament has power to make laws.
 - (b) to the matters with respect to which State Legislature has power to make laws.
 - (c) to the matters with respect to which are listed under Concurrent List.
 - (d) None of the above.
4. Which of the following law(s) assist in the contribution of global justice?
- (a) United Nations Charter.
 - (b) National Law.
 - (c) Both National Law and United Nations Charter.
 - (d) Only National law.
5. Private international law deals with;
- (a) Choice of Law.
 - (b) Choice of Jurisdiction.
 - (c) Recognition and Enforcement of Foreign Jurisdiction.
 - (d) All of the above.
6. Entry into force of the Statute of Hague Conference on Private International Law was in the year:
- (a) 1955
 - (b) 1975
 - (c) 1985
 - (d) 2005
7. Which one of the following laws contributes to global justice?
- (a) Human Rights.
 - (b) Environmental Law.
 - (c) Sustainable Development.
 - (d) All of the above.
8. Post-modernism is not associated with
- (a) Scepticism.
 - (b) Critical Legal Studies.
 - (c) Deconstruction.
 - (d) None of the Above.
9. New International Economic Order was adopted on
- (a) 14th December 1960
 - (b) 14th December 1962
 - (c) 1st May 1974
 - (d) 12th December 1974

10. Which one of the following categories of labour rights does not belong to 'core labour standards'?
- (a) Child Labour.
 - (b) Social Security
 - (c) Non-discrimination in Employment
 - (d) Freedom of Association
11. Which one of the following is not a part of the Charter of Economic Rights and Duties, 1974?
- (a) Non-Intervention
 - (b) Mutual and Equitable Benefit
 - (c) Peaceful Settlement of Disputes
 - (d) Right to Self Defence
12. Who said, "the business of the law is peace and not justice"?
- (a) Amartya Sen
 - (b) Norberto Bobbio
 - (c) Thomas Negel
 - (d) David Kennedy
13. Which one of the following jurists is connected with the movement of 'Critical Legal Studies'?
- (a) Joseph Weiler
 - (b) HLA Hart
 - (c) Duncan Kennedy
 - (d) Hans Kelsen
14. Which proposition below is the most powerful refutation of Bentham's felicific calculus?
- (a) Happiness is less important than economic prosperity
 - (b) It is impossible to calculate all the consequences of one's acts
 - (c) Pain and pleasure are inevitable features of life
 - (d) None of the above
15. Which position does Rawls claim is the least likely to be adopted by the POP (people in the original position)?
- (a) The POP would choose equality above liberty.
 - (b) The POP would opt for the 'maximin' strategy.
 - (c) The POP would opt for the 'difference principle'.
 - (d) None of the above.
16. Which proposition below is the most consistent with what Rawls claims the POP would opt for in respect of 'social primary goods'?
- (a) The POP will choose wealth over a compassionate society.
 - (b) The POP will choose equality over power.
 - (c) The POP will be unselfish.
 - (d) None of the above.
17. How does Nozick answer the criticism of his historical entitlement theory that if the distribution of goods in society is unjust those at the bottom always lose?
- (a) It can be remedied by redistribution of wealth.
 - (b) If each person's holdings are just, then the total distribution of holdings is just.
 - (c) Historical factors are secondary to moral imperatives.
 - (d) None of the above.

18. 'Lex iniusta non est lex' has which of the following meanings?
- (a) The law is not valid unless it is formally enacted.
 - (b) Law has lexical priority over morality.
 - (c) An unjust law is not law.
 - (d) No one is above the law.
19. Which statement best describes the relationship between law and morality among non-positivist legal theorists?
- (a) There is no relationship between law and morality.
 - (b) Law is always in advance of moral ideas.
 - (c) The law is inextricably bound up with morals.
 - (d) Morality is generally in advance of the law.
20. Which of the following statements best captures the nature of Fuller's inner morality of law?
- (a) A positivist view of law.
 - (b) A morality of aspiration.
 - (c) An Aquinian concept of natural law.
 - (d) A rejection of the 'harm principle'.
