

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

**Course: Law and Justice in a Globalizing World  
Semester- I (Batch: 2024-25)**

**End Semester Examination: October 2024 (I.L.M)**

Date: 23<sup>rd</sup> Oct, 2024

Duration: 3 hours

Max. Marks: 50

**Instructions:**

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

- |     |  | <b>Marks</b> |
|-----|--|--------------|
| Q.1 | <p>"Moral principles are considered <i>relative</i> when they are understood to be dependent on cultural, social, or individual contexts. In this view, what is considered 'right' or 'wrong' can vary significantly between different societies or groups. Moral principles are <i>subjective</i> when they are based on personal feelings, opinions, or beliefs of individuals. In this view, moral judgments are not universally applicable but instead reflect individual perspectives. Moral principles are considered <i>objective</i> when they are seen as universal and applicable to all individuals, regardless of personal beliefs or cultural differences. In this view, certain moral truths exist independently of human opinions."</p> <p>In the light of the above mentioned, elucidate in brief the following, in the luminosity of present international developments along with the views of relevant thinker:</p> <p>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? If society has the right to pass judgment, has it also the right to use the weapon of the law to enforce it?</p> <p>b) 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 to be distinguished?</p> | (5x2=10)     |
| Q.2 | <p>The cycle of injustice, war, hunger, exploitation, corruption, racism, chauvinism, diseases and poverty seems an inevitable features of our world. By entering the arena of argument and counter argument of technical feasibility and tactics of footnotes and citation, by accepting the legitimacy of debate on certain issues one has already lost one's humanity.</p> <p>Do you agree with the above mentioned proposition in a globalizing world? Discuss in brief along with appropriate material.</p>   | (8)          |

**Part: B**

- |     |   |     |
|-----|---|-----|
| Q.3 | <p>'It appears that global law is in an embryonic stage. It is growing as the law of a common humanity bringing with it the emergence of an organizational model of the world's society based on the gradual integration of various systems of organization, such as legal, social, economic etc., at different aggregation levels, local to worldwide. It is time to focus on a new reality of gradual transformation of the international community and the structuring process of a global community in which a coherent legal system for a universal human society is being built.'</p> | (8) |
|-----|---|-----|

Define the notion of global law: Whether the related legal notions can help promote the concept of global law? Comment.

- Q.4 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.' (8)
- Critique the concept of global justice in the light of undisputed reality of financial globalization.

**Part: C**

(Answer any two questions)

- Q.5 Article 2 of the United Nations Charter reads the following: (8)
- The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.
- The Organization is based on the principle of the sovereign equality of all its Members.
  - 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.
  - All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
  - 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.
  - 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.
  - 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.
  - 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.

Explain any three principles from the aforementioned Article 2 that you feel highly contributory to the ideal of global justice in the globalising world.

(Minimum 600 words)

- Q.6 The 'Auroville Charter' has been adopted by the Indian Parliamentary Statute of the Auroville Foundation Act 1988 after the landmark judgment of the Indian Supreme Court titled S.P. Mittal vs Union of India and Others, 1983 AIR, 1 1983 SCR (1) 729 and, 16 unanimous Resolutions of the UNESCO. It reads the following: (8)
- Auroville belongs to nobody in particular. Auroville belongs to humanity as a whole. But, to live in Auroville, one must be a willing servitor of the Divine Consciousness.
  - Auroville will be the place of an unending education, of constant progress, and a youth that never ages.

- c) Auroville wants to be the bridge between the past and the future. Taking advantage of all discoveries from without and from within, Auroville will boldly spring towards future realisations.
- d) Auroville will be a site of material and spiritual researches for a living embodiment of an actual human unity.

Explain any two principles from the aforementioned Auroville Charter that you feel highly contributory to the ideal of global justice in the globalising world.

(Minimum 600 words)

- Q.7 Global justice movements must allow national sovereignties to promote their development according to their organic requirements both Constitutional, economic and social. Identify any 2 major issues from the following and explain the ways of harmonious development without compromising on the values under Part III of the Indian Constitution. (2x4= 8)
- (Minimum 600 words)

- a) MNC's entering into the Indian market where respective productions are already in surplus.
- b) Modern values in contradiction to traditional values
- c) Freewill in individual liberty and in collective society
- d) Gender Justice

\*\*\*\*