

**GUJARAT NATIONAL LAW  
UNIVERSITY  
SILVASSA CAMPUS  
Course: Law and Justice in a Globalizing  
World Semester- I (Batch: 2023-24)**

**End Semester Examination: Oct-Nov 2023 (LL M)**

**Date: 3rd November, 2023**

**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 questions 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.
- Bare Act is not allowed.
- Word Limit: 10 Marks: 600-650 words.

**(Answer Any Five)**

- 1) In a hypothetical situation, two distinct dilemmas arise, each representing a clash between welfare and virtue. These dilemmas are represented by the issues of price gouging and the runaway trolley problem.  
In the light of the above statements, answer the following:  
In situations where individual freedom, societal welfare and moral virtue are in conflict, how should the society prioritize these values?
  - a) Should a store owner be allowed to exercise their freedom to set prices (price gouging) even if it compromises societal welfare after a natural disaster?
  - b) In the runaway trolley problem, should the decision be made to prioritise welfare (saving more lives) even if it compromises virtue (intentionally causing harm)?Please answer the questions in light of Michael Sandel's '*Justice: What's the Right Thing to Do?*'  
(10)
- 2) In an increasingly interconnected world, how should the principles of justice be applied globally to address issues such as economic inequality, human rights abuses, climate change, and international conflicts? What role should Individual Nations, International Organizations, and Global Citizens play in promoting and ensuring Global Justice?  
(10)
- 3) "State's interest in regulating relationships in the form of marriage is to democratize the private space by ensuring that actions in the intimate space are in consonance with constitutional values. For the reasons in the preceding paragraph, the argument of the learned Solicitor General that the State regulates relationships in the form of marriage solely because they result in procreation is erroneous." (*Supriya Chakraborty & Anr. v. Union of India, Writ Petition (Civil) No. 1011 of 2022*)

In light of the preceding statement, critically evaluate the role of State in regulating private/familial relationships according to Feminist Jurisprudence and should the State interfere or not? (10)

- 4) “WTO Dispute settlement experience can enhance the Member State’s understanding of, and expertise in, international Trade Law, which the governments can utilise in identifying WTO-incompatible foreign trade practices and invoking WTO DSU provisions. With the experience, expertise and confidence to invoke the WTO rules, the Governments can develop bargaining strategies, which they can employ to amicably resolve (and diffuse) trade conflicts and thereby protect their industries’ trade interests in the ‘shadow of a potential WTO litigation’. Galanter refers to this process as ‘**litigotiation**’, as he observes that the career of most cases does not lead to full-blown trial and adjudication but consists of negotiation and manoeuvre in the strategic pursuit of settlement through mobilization of the court process.”

In light of the preceding statement, evaluate how the Developing Countries can harness the Principle of Rule of Law to realise Global Justice, with special emphasis on WTO Dispute Settlement Mechanism? (10)

- 5) “Reconceptualization of the rule of law at the International Level in turn requires addressing the following two separate but interrelated questions that are especially pertinent in the context of the present-day international system. First, should the rule of law, when applied at the international level, be defined from a formalistic or substantive point of view? In other words, should the concept of the rule of law, when transposed to the international realm, be read narrowly as referring to its formal aspects of “the rule by the laws” or broadly as referring to the substantive content of law as well?”

In light of the preceding statement, evaluate whether the concept of International Rule of Law should be understood from a process-based approach or from an end-based approach? How can legalization of International Rule of Law lead to Global Justice? (10)

- 6) “The Constitution of India establishes a socialistic pattern of society. Socialism in India was the brainchild of Jawaharlal Nehru and the socialism which he tried to materialise through the Constitution was a blend of Marxism and Gandhian Socialism which paves the way for a mixed economy. According to Nehru “political freedom and independence were no doubt essential, but they were steps only in right direction; without social freedom and a socialistic structure of society and the state, neither the country nor the individual can develop much”. During those times state was conceived as an institution which stands for the welfare of the people. This concept of statehood has undergone a drastic change ever since the emergence of globalisation. The state is now a ‘state facilitator’ rather than a ‘service provider’.”

In light of the preceding statement, evaluate the evolution of role of the State on horizontal application of Fundamental Rights, taking into consideration the case of ***Kaushal Kishore v State of Uttar Pradesh (W.P. (Cri.) no. 113 of 2016)***. (10)