

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law and Justice in a Globalizing World
LL.M. Semester-I (Batch: 2014-15)



LL.M. End Term Examination: November-2014

Date: 15th November, 2014

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
Answer All Questions**

**Marks
35**

- Q.1 a. What are the Indian Constitutional provisions that act as gateways of participation between the Government of India and the international community in the emerging trend of growth and development in a globalizing world? How do these legal provisions act in safeguarding the interests of the Indian citizens against the foreign actors from the international community? Do you think the Indian Constitution as well as the Indian judiciary has the necessary vision and strength to counter the possible ill-effects of globalization? What are the important Constitutional lessons for the Indian Legislature and Executive to learn in view of certain polarizing developments in the existing world scenario from the cases like Vodafone International Holdings B.V., against the Indian income tax authorities and, the allocation by the Government of India of natural and indispensable resources like 2G and Coal-mines? What do we learn from these cases in view of law and justice in a globalizing world? Expound. (15)

Or

- b. A community-group named "FOL" with a motto of *Freedom of All* wanted to register their community under the Societies Registration Act 1860. They also wanted to acquire a land for constructing a building that will act as a place for practicing and expounding their philosophy. The respective officer of the Government did not approve the registration under the said Act and declined to give reasons. Aggrieved by the decision of the respective officer of the Government, a writ was consequently filed. The questions raised by the Government are the serious apprehensions about their teaching and practice of the path of freedom of all, which government considers as a threat to peace, order and tranquility of the society. There were also serious questions about the flow of money from different countries towards this philosophy and practice which is gaining not only a national attention but global attention as well.

As a student of law and justice in a globalizing world, you are requested to give your views about the role of liberal practices of modern society in a globalizing world. How do you arrive at finding what law is right, and what type of regulation is permissible while dealing with individual and collective interests, higher values of life and social and political compulsions under the Indian constitution and international obligations in general?

- Q.2 a. What is the relevance of the Charter of the United Nations Organization in law and justice in a globalizing world? How are the members of the United Nations expected to behave in the international community in order to positively augment the cohesive force behind growth and development that are widespread in the era of globalization? How can the nations support the globalizing trends in a holistic way that are mutual, harmonious and progressive without or with less side-effect? (10)

Or

- b. Enlist ten important jurisprudential principles of global justice that act as scanners in finding out the trend of growth and development that are taking place in the globalizing world is positive, progressive and non-discriminatory towards a true global order.
- Q.3 Explain any two of the followings: (2x5 =10)
- Importance of Science and Technology towards true global order.
 - Distinction between Globalism vs Globalization.
 - Values and Value-systems towards understanding globalization and global justice.
 - What we have not created, we have no right to destroy or, appropriate only to ourselves; we ought to share not only equally but equitably too.* Explain the aforementioned idea.

Part-B

- Q.4 Two needs have determined philosophical thinking about Law and Justice. On the one hand, the paramount social interest in the general security, which as an interest in peace and order dictated the very beginnings of law, has led men to seek some fixed basis of a certain ordering of human action which should restrain magisterial as well as individual willfulness and assure a firm and stable social order. On the other hand, the pressure of less immediate social interest and the need of reconciling them with the exigencies of the general security and of making continual new compromises because of continual changes in society have called for readjustment at least of the details of the order. (10)

Do you agree with the above proposition? Discuss with your own illustrations.

- Q.5 What are John Rawls main objections against utilitarianism? Does his theory of justice overcome these problems? How can Rawls be sure that the people in the original position would agree on his two principles of justice? Critically analyze. (10)
- Q.6 Write short note on: Application of Aristotles Theory of Justice in the present Indian context. (05)

Part-C

- Q.7 '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'. (10)

Whether the prevailing international trade rules promoting 'free trade' are fair and just for various countries with disparate economic conditions and also spell out whether those rules can lead to a just economic global order?
