

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law and Justice in a Globalizing World
Semester-I (Batch: 2015-16)

LL.M. End Semester Examination: Oct-Nov. 2015

Date: 4th November, 2015

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

Marks

Question number five is compulsory and from the remaining answer any *three*.

- Q.1 Karuna was born in a poor family and she could never afford an education. She couldn't afford food and couldn't find a job, so she starved to death. Meanwhile there is an abundance of food and wealth that is almost exclusively owned by the wealthiest members of society. Was any right being violated? Nozick would say, "No". No one has a right to anything nor does anyone have an obligation to help others. To redistribute wealth using coercion would be a violation of our property rights and there is no conflicting right against our property rights in this situation. (10)
- Is this a fair assessment of Robert Nozick? Discuss in the light of present concrete examples along with relevant thinkers.
- Q.2 The links between law and morality constitute the subject-matter of an age-old jurisprudential debate. Ought the law to concern itself with morality? Ought the law to reflect shifts in public opinion concerning moral question? What significance ought to be attached? The function of the law is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and provide sufficient safeguards against exploitation and corruption of others. Some of the view that the courts retain a residual power, where no statute has intervened to supersede the common law, to superintend those offences which are prejudicial to the public welfare. (10)
- In the light of the above mentioned statement discuss in brief the following, in the luminosity of present international and national developments along with relevant thinkers:
- (a) Has society the right to pass judgement at all on matters of morals? Ought there, to be a public morality or morals always a matter for private judgement?
 - (b) If society has the right to pass judgement, has it also the right to use the weapon of the law to enforce it?
 - (c) If so, ought it use that weapon in all cases or only in some, and if only in some, on what principles should it distinguish?
- Q.3 Every time that something comes to pass or turns well, we placidly apply good rule to a particular case, to a correctly subsumed example, according to a determinant judgment, we can be sure that law may find itself accounted for but certainly not justice. Law is not justice. Law is the element of calculation of justice, and it is just that there be a law, but (10)

justice is incalculable, it requires us to calculate with numerous factors, in which the decision between just and unjust is never insured by a rule.

Elucidate the above mentioned preposition in your own views with reference to the relevant cases or illustrations discussed.

- Q.4 What are the Rawls's main objections against Utilitarianism theory of justice? Does his theory of justice overcome these objections? How can Rawls be sure that the people in the Original Position would agree on his two principles of justice? Discuss. (10)
- Q.5 Write short note on Stammler's Principles of Justice. (05)

Part-B

**Question number ten is compulsory and from the remaining answer any three.
(word limit: 550-600 words each)**

- Q.6 'In the era of globalization, law increasingly applies beyond the boundaries of nation-states. Global law is conceived to be made for and by global players. Nevertheless, the analysis of the concept of global law is *per se* controversial, as relatively being a new notion that interfaces and possibly overlaps with various existing legal fields'. (10)
Define the notion of global law. What are the related legal notions which can contribute in promoting the notion of global law? Elucidate.
- Q.7 'People do not live in a just world. At a time when states share the world stage with a network of treaties and global institutions particularly for modern socio-economic and politico-cultural interactions, it is not merely suffice to consider whether the state can be justified to those living under it, but also whether the whole global order of multiple states and global institutions can be justified to those living under it. As in a globalizing world the most salient inequalities are not merely found within states but importantly among states, it is inevitable to broaden the focus for justice too, asking not only what counts as a just distribution within the state, but also what counts as a just distribution globally. Thus, modern day globalization is changing the way of arguments and perceptions about justice'. (10)
Examine the concept of global justice. Whether global justice is possible to be achieved? Critique on the three kinds of legitimate claims that constitute the idea of global justice.
- Q.8 '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? Also spell out whether core labour standards should become a part of global trading norms.
- Q.9 'Good governance and the rule of law at the national and international levels are essential for the eradication of poverty and hunger and other global inequalities with a view to promote sustained economic growth and sustainable development'. (10)
Examine the possibility of global rule of law as a model in realizing global justice.
- Q.10 Write a short note on qualifications in defining globalization. (word limit: 250-300 words) (05)
