

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

**Course: Law and Justice in a Globalizing World
Semester- I (Batch: 2022-23)**

End Semester Examination: November 2022 (LL M)

Date: 26th Nov, 2022

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.
- Word Limit: 10 Marks: 600-650 words; 05 Marks – 300-350 words.

Part: A

Marks

- Q.1 'Defining a relatively new notion of global law with a definition that reflects all the ramifications of the concept is not an easy task. It appears that the concept of global law is rather lacking the precision and formality that can normally be expected from a classical legal system. The challenge is to distinguish global law from other disciplines claiming a direct link to or regulatory effect over international matters.'
Describe the concept of global law. Elaborate on the related legal notions which can be distinguished from the concept of global law. (10)
- Q.2 'Trade liberalization having aimed at promoting free trade is one of the most significant characteristics of globalization in recent years. Nevertheless, free trade has become highly contentious subject in international trade. Those who oppose free trade being labelled as proponents of fair trade seek to promote equitable international labour, environment and social standards for the production of goods and services that are exported from developing countries to developed countries. Fair trade is a trading partnership, based on dialogue, transparency and respect, that seeks greater equity in international trade.'
Whether international trade as an essential component of economic globalization is promoting just world? Spell out whether core labour standards should become part of global trading norms. (10)
- Q.3 Give a critical account of the role of democratic global governance based on the rule of law in realizing global justice. (5)

Part: B

- Q.4 The cycle of injustice, war, hunger, exploitation, corruption, racism, chauvinism, diseases and poverty seems 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. (10)

Do you agree with the above mentioned proposition in a globalizing world? Discuss in detail along with appropriate material.

- Q.5 The links between law, morality and justice 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 questions? 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. Some of the view is 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, elucidate in brief the following, in the luminosity of present international developments along with the views of relevant thinker:
- a) Does society has, 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?
 - 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 be distinguished?

- Q.6 Write a short note on two principles of justice by John Rawls. (5)
