

Name:
Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, January, 2021

Course: Law & Justice in the Globalizing World
Program: LL.M.
Course Code: LLMC 703
Instructions:

Semester: I
Time: 03 hrs.
Max. Marks: 100

S. No.	SECTION-A 1. Each Question will carry 5 Marks 2. Instruction: Write answers within 100 words	Marks	CO
Q1	Define 'globalization' and distinguish it from 'internationalization'. Is globalization a new phenomenon in the world politics?	5	CO1
Q2	Discuss the idea of economic Justice as enshrined under the Constitution.	5	CO1
Q3	Which Jurist is known as an interface between positive and sociological schools? Justify	5	CO1
Q4	What is meant by hierarchy of norms? Explain with examples	5	CO1
Q5	What is meant by obitur dictum? How far is useful in precedent?	5	CO1
Q6	What is the difference between American and Scandinavian Realism?	5	CO1
	SECTION-B 1. Each question will carry 10 marks 2. Instruction: Write short / brief notes		
Q7	What is volks-geist? Try to locate the volks-geist in Indian legal system, by referring to examples. Justify your answer.	10	CO2
Q8	Discuss the impact of globalization on judicial process in the light of select decisions of the Supreme Court of India.	10	CO2
Q9	Law is an instrument of social change. Explain how far law has been successful in bringing about social changes in India, in the era of judicial activism.	10	CO2
Q.10	What is 'Natural Law with variable Content'? Discuss its relevance in the present day Indian Legal System	10	CO2

Q.11	Explain the legal personality of an idol with specific reference to its capacity to own, alienate and defend property. Support your answer by decided cases.	10	C02
SECTION-C			
1.Each Questions carries 20 Marks			
2. Write Long Answers			
Q12	<p>Mr. 'X' and Ms. 'Z' were married according to the rituals. After marriage 'Z' was managing the household so efficiently that 'X' was able to live a very convenient and respectable life. He was very happy and worked harder in his business. The business grew exponentially and they became very rich. 'X' attained a high status in the society and got a chance to join politics. With increasing of money and power 'X' became more ambitious and started dropping the values. His wife opposed this change of choices and they developed sour relations. This gap between the husband and wife grew to such an extent that 'X' felt that 'Z' is an obstacle in his growth. One day rift increased so high that the husband killed the wife. He cut the body into small pieces and threw it into tandoor. The maid working in the house saw it and informed the police. Initially 'X' tried to manage everything by illegal means and by using his political connections but media and opposition made it a point and finally 'X' was arrested, tried and punished. Court awarded him death penalty which was not reversed or commuted in appeals also.</p> <p>Finally, his father filed a petition challenging death penalty as violative of the fundamental right to life. The petition claimed that the purpose of punishment is to reform the offender and not to take revenge by killing him. Different human rights instruments were also referred to for support to the petition.</p> <p>Decide the case by justifying on the following points:</p> <ol style="list-style-type: none"> i) Purpose of punishment ii) Proportion of wrong done and the amount of punishment iii) Permissibility of death penalty in light of the human rights jurisprudence iv) Support your answer by referring to appropriate theory of punishment and also by referring to case laws. 	20	CO3