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Your Roll No.....

1331

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LLM/MCL

LM-2011-COMPARATIVE JURISPRUDENCE

Time : 3 Hours

Maximum Marks : 80

(Write your Roll No. on the top immediately
on receipt of this question paper.)

Answer any four questions.

All questions carry equal marks.

1. "The only laws that will survive and flourish in the economic conditions of a capitalist society are laws that facilitate and sustain capitalist enterprise, capitalist economy and control of working class. As long as the capitalist class remains dominant, the law will have a capitalist flavour no matter what happens at the level of electoral politics."
Critically examine the above statement and discuss the relationship between law and political economy in India in the context of globalization and economic liberalization.
2. Reconcile the reception of common law of England in India with the theory that a legal system in one time-place context cannot be engrafted in an altogether

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different social set up. Does the displacement of indigenous law and traditions by the official legal system has meant the demise of traditional Indian norms ?

3. What has been the response of the Supreme Court of India in cases where socio-economic rights such as right to work, right to means of livelihood, right to food, health care, education and housing were presented before it as forming part of fundamental rights ? What has been the impact of social rights jurisprudence of the court on the lives of the poor and the deprived sections of Indian Society ?
4. All western theories of justice are based on a contractarian model of society. Some theories of justice give priority to the value of liberty at the cost of value of equality. Other theories of justice emphasise the value of equality over the value of liberty.

Attempt to build up the outline of a theory of Justice appropriate for contemporary Indian society.

5. "Violence against women have roots in power-relationship between a man and a woman and the conceptualization of women as inferior, weak, incapable of having an agency of their own, and as the property of men."

In light of this statement prepare a categorical explanation critiquing apathy of the Indian legal system towards gender justice.

6. "The Supreme Court of India has been interpreting the concept and contours of secularism differently from time to time. From being considered to serve to emphasize the secular nature of the Indian democracy to basic feature of Constitution of India; Secularism has been found to be in the Constitution even without explicit enumeration."

Explain in the light of judicial decisions, any difference the word Secularism has made legally, after its express incorporation in the preamble.