



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – B.A. LL.B.-2022

Course Name – Law in A Globalized World

Course Code - BALLB404

(Semester IV)

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

(i) Relate the doctrine on which the law of precedent is based on:

- | | |
|------------------|------------------|
| a) Stare Decisis | b) Ex post facto |
| c) Ad hoc | d) Res Judicata |

(ii) Relate the case that can be cited as an example of an original precedent :

- | | |
|-------------------------|-------------------------------|
| a) Donoghue v Stevenson | b) Roe v Wade |
| c) Miranda v Arizona | d) Brown v Board of Education |

(iii) Relate the term for a situation when an appellate court nullifies the judgment of the trial court:

- | | |
|------------------|--------------------|
| a) Overruling | b) Reversing |
| c) Stare decisis | d) Ratio decidendi |

(iv) Identify the primary focus of socialism:

- | | |
|--------------------------|------------------------|
| a) Individual prosperity | b) Society development |
| c) Capitalist control | d) Government power |

(v) Select the primary source of law in the common law system:

- | | |
|-------------------------------|------------------------------|
| a) Statutory laws | b) Judicial decisions |
| c) Administrative regulations | d) Constitutional provisions |

(vi) Identify the system that gives priority to defending the legal rights of the accused:

- | | |
|-------------------------|-------------------------|
| a) Civil law system | b) Adversarial system |
| c) Inquisitorial system | d) Customary law system |

(vii) Identify the first original sources of common law

- | | |
|--------------|------------------|
| a) Statutes | b) Writs |
| c) Textbooks | d) None of these |

(viii) Name the political thinker who propounded the modern principles of Natural Justice

- | | |
|----------|----------|
| a) Locke | b) Mills |
| c) Dicey | d) Rawls |

- (ix) Identify the case in which the Supreme Court gave the guidelines for arrest of persons by the police
- a) Maneka Gandhi vs. Union of India b) Auto Sankar vs. State of Tamil Nadu
c) Hussainara Khatoon vs. State of Bihar d) D.K. Basu vs. State of WB
- (x) Identify the Articles of The Universal Declaration of Human Rights (UDHR), 1948 has provided for Civil and Political Rights
- a) Article 1-10 b) Article 2-21
c) Article 22-30 d) Article 25-30
- (xi) Choose the case in which to uphold basic features of the Constitution, Judicial activism was initiated
- a) Maneka Gandhi v. Union of India b) Nilabati Behera v. State of Orissa
c) Kesavananda Bharati v. State of Kerala d) Sunil Batra v. Delhi Admn.
- (xii) Identify the four manners in which Social Transformation can be classified
- a) Continuous and discontinuous b) Evolutionary and revolutionary
c) Both Continuous and discontinuous & d) none of these
Evolutionary and revolutionary
- (xiii) Indicate the term best referred to the belief that one racial category is innately superior or inferior to another
- a) prejudice. b) racism
c) stereotype d) discrimination.
- (xiv) Choose the Act that the Supreme Court activated the provisions of for resolving the problem of child prostitution
- a) Juvenile Justice Act b) Criminal Procedural Code
c) Indian Penal Code d) POCSO
- (xv) Interpret the nature of obligation of the peaceful settlement of disputes
- a) It is an obligation of result, that is, States are under a strict obligation to resolve their disputes as soon as possible b) It is an obligation of conduct, ie States have an obligation to try to resolve their disputes through peaceful means. This does not entail an obligation to resolve their disputes
c) It is a peremptory norm of international law and all States have a legal interest to safeguard its application in any given dispute d) It is an obligation which concerns solely international courts and tribunals

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain racial discrimination and determine the constitution provisions on this (3)
3. Write a short note on Child Rights Convention (3)
4. Discuss the core principles of Obiter-Dicta (3)
5. Construct a note on appellate jurisdiction of the High Court. (3)
6. Infer the importance of CEDAW (3)

OR

Distinguish between ICCPR and ICESCR

(3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Construct a note on historical evolution of common law in India through the various stages. (5)
8. Explain Religious freedom with reference to significant case laws (5)
9. Evaluate the importance of International Human Rights law and International Humanitarian Law as two separate branches of international law. (5)

10. Analyze the statement that 'India follows a quasi-federal form of governance and is not absolutely federal in nature.' (5)
11. Explain Article 141 of the Indian constitution. (5)
12. Examine the significance of Judicial Contribution in bringing Social Change. (5)
- OR**
- Examine legislative initiatives towards empowerment of women in India (5)
