

NATIONAL LAW UNIVERSITY, DELHI

LL.M. Degree Programme, I-Semester (Batch of 2018)

End-Semester Examinations, December- 2018

Paper: Comparative Public Law

Time: 3:00 Hours

Total Marks: 50

Instructions:

1. Please answer **all** the following questions. **Questions 1 and 5 have two options.** Please answer only **one** of them in each.
  2. Your answer to any question should not exceed **1,000 (one thousand) words** excluding punctuation marks.
  3. All questions carry **10 marks** each.
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- Q1.** "If I have a difficult case and a human being called a judge, though of a different country, has had to consider a similar problem, why should I not read what that judge has said?" Critically evaluate above statement highlighting the advantages and disadvantages of using comparative method from a South-Asian perspective.

**Or**

"Fundamental law is distinct from 'ordinary law'". Elaborate upon the statement by tracing the development of the 'Public law'.

- Q2.** "One of the virtues of the emergence of claims of social rights has been the fact that it has dramatized previously unexplored aspects of the concept of human rights and led us to understand the ways in which several important corollaries of the notion of human rights remain incomplete". Elucidate the statement with appropriate examples. How far social rights have become part of the rights in India and South Africa? Illustrate.
- Q3.** "How can we construct a common identity in a country where people not only belong to separate political communities but also belong in different ways". Explain the statement in the light of constitutionalism in India and Nepal.



**Q4.** "Schmitt argued that valid law, especially the constitution, was the product of more than mere will and procedure". Explain and illustrate with reference to the difference between the constituent power and the power of amendment of a constitution as applied in any of the South Asian constitution.

**Q5.** With reference to the idea of exceptionalism explain in what respects Nepal and Sri Lanka have struggled to establish stable constitutions and constitutionalism in those countries.

**Or**

"It may still be argued that the Indianness of Indian secularism is derived entirely from its strong link with home-grown traditions and that therefore India had worked out its own conception of secularism that is neither Christian nor western". Elaborate the above statement.