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NATIONAL LAW UNIVERSITY, DELHI
LL.M. Degree Programme, II-Semester (Batch of 2018)
End-Semester Examinations, April - 2019
Paper: Comparative Law

Time: 3:00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
 2. All questions carry equal marks and are compulsory.
 3. No clarification shall be sought on the question paper.
 4. Do not write anything on the question paper except your roll no.
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Q1. “It is beyond dispute today that the scholarly pursuit of comparative law has several significant functions. This emerges from a very simple consideration, that no study deserves the name of a science if it limits itself to phenomena arising within its national boundaries.” Elaborate upon the above statement in the light of advantages and methodologies of comparative law.

Q2. “There is a long tradition of western scholarship on East Asia that tends to associate the latter, negatively, with a relative absence of law.” Critically analyse the above statement by engaging with salient features of East Asian legal tradition.

OR

Write short notes on the following-

- a) Civil law tradition.
- b) Religious Legal tradition.

Q3. a) “The question of whether there is convergence may not lead to a simple yes/no answer”. Explain the above statement in the light of various engagements with the issue of convergence.

b) “Legal transplants are typically thought of as a smart way of choosing a foreign legal model that has proven to work well. However, this is not the entire picture.” Examine the above statement.

Q4. “Whereas judicial discourse in the Common Law context goes out of its way to combine both formalist and policy discourse in one and the same document-the supreme court opinion- the French judicial system is characterised by what *Lasser* calls ‘radical bifurcation’.” Elaborate upon the above statement by highlighting the working of *Conseil d’Etat* and *Conseil constitutionnel*.

OR

“Unlike the situation in most common law countries, Germany has a system of courts which are specialised according to the subject matter regarding judicial adjudication”. Elucidate the above statement in special reference to the German Administrative Law while explaining the working of the *Bundesverwaltungsgericht*.