

NATIONAL LAW UNIVERSITY, DELHI

LL.M., Semester-II (Batch of 2021)

End Semester Examinations, April-2022

Paper: Comparative Law

Time: 3 Hours

Total Marks: 50

Instructions:

1. All questions are compulsory.
2. No clarification shall be sought on the question paper.
3. Answer to any question should not exceed 1000 words.
4. All questions carry equal marks.

1. "Edward Said's attack on the notion of a monolithic Islam as being an invention of western thought, largely for purposes of establishing its own identity and superiority, can be applied *mutatis mutandis* with respect to Hindu Legal Tradition too". Critically examine the above statement with the help of examples.
2. "There is an analogous problem in talking about the civil law tradition itself. The impact of the various components of that tradition has varied from one nation to another". Elaborate upon the above statement by giving suitable examples.
3. "A common law tradition, with the judge as its leading figure, thus emerged in the first century and a half following the Norman Conquest. It is a tradition still recognizable today, at least in terms of the ongoing importance of the judge and judicial decisions". Elucidate by tracing the trajectory of the common law.
4. "A more critical understanding of convergence, as a notion employed in comparative legal literature to describe such processes, may unveil an ideological and political dimension which is essential to put the law in context". Evaluate the above statement with the help of suitable examples.
5. "Part of the attempt to constrain state power was the establishment of a new institution, the *Bundesverfassungsgericht*". Explain the above statement by tracing the functioning of *Bundesverfassungsgericht*, while also engaging with differences in its judicial review techniques from *Conseil Constitutionnel*.