

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Comparative Public Law
Semester: LL.M.
Course Code: CLCC 7002

Semester: I
Time: 03 hrs.
Max. Marks: 100

SECTION A

S. No.	(Attempt all questions. Each question carries equal marks)	Marks 10	CO
Q 1	All the questions are compulsory		
i)	Presidential Form of Government	2.5	CO1
ii)	Nature of Comparative Law	2.5	CO1
iii)	Domestic violence	2.5	CO1
iv)	Differentiate between common law and civil law.	2.5	CO1

SECTION B

Q 2	(Attempt all questions. Each question carries equal marks)	20 Marks	
i)	Constitutions express the positivization of higher values, judicial review is the method for effectuating these values, and the comparative method is the instrument of the movement towards harmonization and of the search for internationally acceptable values. Explain.	10	CO2
ii)	“Public Law is gradually eating up Private Law”. Critically analyse.	10	CO2

SECTION-C

Q 3	(Attempt all questions. Each question carries equal marks)	20 Marks	
i)	“A procedural understanding of the Rule of Law does not just require that officials apply the rules as they are set out; it requires that they apply them with all the care and attention to fairness that is signaled by ideals such as natural justice and procedural due process.” Comment.	10	CO2
ii)	Ms. X married to a man who derives lust from the pain, who bypasses the innocent consent that she thinks of being prevalent in their relationship. Her relationship with her husband is subjected to more of physicality and the bodily pleasures than being touched with the eternal bliss and bloom of the vows she took as the very steps of her	10	CO2

	life with him. Sadly, this may indeed be the reality for a considerable number of Indian marriages. Critically analyze.		
SECTION-D			
Q4	(Attempt all questions. Each question carries equal marks)	50 Marks	
i)	“The key to a Constitution is the mechanism by which it may be amended or repealed. The body in which this power is vested is the body in which sovereignty is ultimately held. In most countries, this body is claimed to be the people. While in a few countries the people are directly consulted about constitutional reform through referenda and may even initiate it themselves, in most countries the role of the people in constitutional reform is exercised indirectly through their elected representatives.” Explain.	12.5	CO2
ii)	“Translating the collective political philosophy of the founders and their constituents into a government required the construction of institutional structures that reflected and, hopefully, sustained their preferences. Institutional design of the new Constitution, therefore, required careful consideration. The legislative, executive, and judicial branches of the government were assigned distinct and limited roles under the Constitution, and political actors are restricted from serving simultaneously in the legislature and another branch. The elected branches have separate, independent bases of authority, and specific safeguards were designed to prevent any of the branches from gaining undue influence over another. Although not constitutionally guaranteed, longstanding norms also now exist that provide each branch with its own independent resources for staffing, research, and advice.” Comment.	12.5	CO1
iii)	“The Indian federalism was not a result of a compact between several sovereign, units but a result of conversion of a unitary system into a federal system. Here, the movement has been from unity to union, from unitary to federalism, unlike other countries where the historical process has been for separate units to come together to form the federal union.” Explain.	12.5	CO3
iv)	Michael Hudson worked for a restaurant in Cincinnati, Ohio from 1992 to 2014. For the last 10 years of his employment there, he worked as an assistant treasurer and would handle company funds. From 2008 to 2014, he transferred over \$3 million of the restaurant's money into his personal bank account in an act called embezzlement, basically theft of money belonging to an employer. Hudson also filed a false tax return and failed to file tax returns for multiple years. Whether Hudson is liable for the embezzlement of money? Decide	12.5	CO1