

School of Law
Bachelor of Law
ETE - Aug 2023

Time : 3 Hours

Marks : 100

TRIMESTER I - MLAW5002 - COMPARATIVE PUBLIC LAW

*Your answer should be specific to the question asked
 Draw neat labeled diagrams wherever necessary*

1. Enlist five laws which form part of the public law, while giving reasons for the same. K2 CO1 (5)
2. "Constitutionalism is relevant for any democracy in today's times". Describe its various features in the light of this statement. K2 CO1 (5)
3. Conceptualise Public Law, with help of example. K2 CO2 (5)
4. Elucidate the Indian legal system through the Pure Theory, starting from the lowest form of norms to the highest. Also name the highest one. K2 CO2 (5)
5. "Comparative Law is a tool that aids in constitutional and statutory interpretation. This aid may work on different level" While elaborating on this statement, elucidate these levels and further explain the relevance of doing comparative law in practice, with help of Indian examples of such usage. K3 CO4 (10)
6. Discuss the classical theory of separation of powers. Further, list its advantages and disadvantages. K3 CO3 (10)
7. "Comparative law is not merely the comparison of laws." Further, certain common ideological grounds are needed to initiate such comparison. Identify these grounds of comparison with help of Ahron Barak writings. K3 CO4 (10)
8. "The beginning of the 21st Century has seen a major overhaul of the sexual offences legislation in England and Wales. Prior to this reform the law on sexual offences was based on legislation implemented in 1956, with some parts dating as far back as the 19th Century. It goes without saying that this legislation was grossly dated and unsuitable for the 21st Century." K4 CO6 (15)

Against this background, explain and compare the Indian and British rape laws which were both unsuitable to the given context.
9. "From the purpose that one given democratic legal system attributes to a constitutional arrangement, one can learn something about the purpose of that particular constitutional arrangement in another legal system." K4 CO5 (15)
Against the backdrop of this statement, emphasise the comparative study for the interpretation of constitutional laws.
10. K5 CO6 (20)

"Plea bargaining, we are told, is lawless. It "evolved in the unregulated interstices of our criminal justice system." And i unregulated power of prosecutors." Basis this, comparatively analyse the Indian and the USA Plea Bargaining System.

or

"The American model of juvenile justice during the last hundred years has made many institutional and legal innovation: implications."

Identify these innovations and also suggest how the USA system is better than the Indian JJS.