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## ENTRANCE EXAMINATION, 2018

M.Phil/Ph.D.

LAW AND GOVERNANCE

[ Field of Study Code : CLGP (171) ]

Time Allowed : 3 hours

Maximum Marks : 100

**Instructions :**

This question paper has *four* compulsory Sections. Attempt all Sections.

Sections A and B are short answer questions while Sections C and D are long-answer questions.

Please read all instructions for each Section carefully before attempting any question.

## SECTION—A

Attempt *any five* questions from this Section

6×5=30

All questions carry equal marks

1. What is participant observation? Explain using examples.
2. Explain Snowball sampling method and its uses.
3. Discuss the symbolism of the blindfold (or its absence), sword and scale represented in the official iconography of justice.
4. What is triangulation in research? Explain briefly.
5. Briefly outline the ethical and legal issues related to plagiarism.
6. Consider the following propositions :  
 Let H : A person contracts a heart disease  
 Let S : That person smokes

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[ P.T.O. ]

6. Explain the following, using a Venn diagram :
- The probability a person smokes or contracts heart disease (or both).
  - The probability that a person contracts heart disease, given that she smokes.
  - The probability that a person smokes, given that she contracts heart disease.

7. Consider the following table :

Number of Health Workers by Type of Residence		
Type of Residence	Doctors	Nurses
Rural	20	70
Urban	50	115

From this data, can we say that nurses have a stronger tendency than doctors to establish themselves in urban areas? Explain your answer.

8. Read the following passage and answer the questions that follow :

As a method, demosprudence requires us to ask two overarching questions : (1) How and when do disadvantaged or weak minorities (whether political, economic, or identitarian) mobilize to protect their own rights in a majoritarian democracy?; and (2) Does the mobilization of these constituencies have a democracy-enhancing effect? By democracy enhancing, we mean that the mobilization opens up space to those previously excluded or marginalized and enables them to participate more fully in helping to make decisions that affect their lives. Demosprudence, therefore, is the study of the relationship between social movements and law in the creation of authoritative meaning within a democratic polity.

Unlike jurisprudence, which analyzes the work of judges acting in formal sites such as courts, or legisprudence, which produces a secondary literature about how the work of elected representatives is an important source of lawmaking, demosprudence focuses on the ways that ongoing collective action by ordinary people can permanently alter the practice of democracy by changing the people who make the law and the landscape in which that law is made. Scholars of jurisprudence focus on the collection of rules imposed by authority and interpreted by jurists; scholars of legisprudence see the legislator or elected official as the pivotal actor.

We should be clear that demosprudence is not a philosophy of the left or the right. Neither is it the philosophy of unmediated preference gathering (like the populist initiative process or the market). Rather, demosprudence represents a philosophical commitment to the lawmaking force of meaningful participatory democracy.

The methodology of demosprudence is organized around the evolving secondary literature in law and legal studies analyzing the role of citizen mobilizations in authoring new laws, changing the meaning of existing laws, and producing a more democratic understanding of how power functions in representational relationships. Such an effort emphasizes the tools that social movements use to make law and the role of ordinary people whose

collective struggle and collective commitments inform the lawmaking process. We argue that the power of social groups is found in normal politics, but its more important role is in constitutive politics.

(Lani Guinier & Gerald Torres, <https://www.yalelawjournal.org/essay/changing-the-wind-notes-toward-a-demosprudence-of-law-and-social-movements>)

Questions :

- (a) What is demosprudence?
- (b) How is demosprudence different from jurisprudence and legisprudence?
- (c) How may we think of demosprudence as a methodology?

9. Read the given passage carefully and attempt the following questions :

"Soetomo's text and the remarkable transitions that occurred in Indonesia during the century that spans his childhood and the present day provide Anderson with the opportunity to display a fresh and appealing approach to social studies. He holds in tension two modes of analysis usually practised by quite separate scholarly sub-communities : the macro-analysis of states and social structures and interpretative approaches drawn from literary studies. As in *Imagined Communities*, the study of nationalism for which he is best known, the essays in *Language and Power* reject a social science of separate spheres.

Disenchantment and marginality provide Anderson's bittersweet themes : those of his subjects, and, implicitly, his own. He writes as more than one kind of outsider. Born in Kunming to an English mother and an Irish Sinologist father, and reared in China, England and the United States, he takes note of his own 'estrangements—English accent in American schools, latter American accent in Irish schools, Irishisms in English schools'. As a graduate student at Cornell University, sceptical of the modernization pieties of American scholarship and public policy, he conducted fieldwork in President Sukarno's Indonesia, embracing that country as 'a loved one'. Then came the massacres of 1965, and, in 1972, expulsion by military authorities angered by the leaking of the 'Cornell Paper'. This was a study, intended to have a limited and confidential circulation, that undercut the legitimacy of the regime by showing that members of the Armed Forces rather than Communists had been responsible for the coup led by Lieutenant-Colonel Untung's September 30th Movement. Anderson found himself without direct access to his field site and burdened with the emotional task of learning 'how still to love a murderer'. His methodological adjustment was a turn to texts." [Katznelson, Ira (1991). Review of *Language and Power : Exploring Political Cultures in Indonesia* by Benedict Anderson. In *London Review of Books*. Vol. 13, No. 21 pp 12-13].

Questions :

- (a) Why does the reviewer in the passage consider Anderson's approach 'fresh and appealing'?
- (b) Why should the identity and positionality of researcher be accorded any consideration in social research?

## SECTION—B

Attempt *any two* questions from this Section

5×2=10

All questions carry equal marks

10. Briefly elucidate 'Development as Freedom'.
11. What is global civil society? Briefly explain its relation to globalization.
12. Do you think that the New Public Management Movement has been able to address the concerns of 'good governance'? Give reasons for your answer.
13. Write a critique of Rational Choice theory.
14. Distinguish between 'judicial review' and 'merits review'. Is 'merits review' of administrative actions permissible in India?
15. What is Multilevel Governance? Explain with reference to the origins of the term and its applicability.
16. Identity politics in India encapsulates questions of redistribution and those of recognition. Briefly discuss with respect to Dalit identity politics in India.

## SECTION—C

Attempt *any one* question from this Section

20

All questions carry equal marks

17. Write a research proposal on 'Women's Empowerment through Panchayati Raj' with special attention to empirical research design.
18. It is often suggested that restrictive labour laws in India lead to a low demand for labour. Elucidate upon the research design of a project to test this hypothesis.
19. If you are interested in studying the extent of compliance with the Supreme Court's order to ban sale of liquor within 500 meters of National and State Highways and its effects on reducing the number of road accidents and attendant fatalities, how do you formulate a research problem? Also, explain the research questions, hypothesis and method that may be adopted for such a study.

20. Write an essay on ethnographic research method.
21. Distinguish between theory and perspective. Is there a relationship between the two? Explain.
22. Does the 'capability approach' lend itself to asking new questions of the existing data sets? Explain with relevant examples.

## SECTION—D

Attempt **any two** questions from this Section 20×2=40

All questions carry equal marks

23. Discuss the proposition that "Social justice is ensured when adequate recognition is given, through law and policy, to different identities in society."
24. Does fundamental right to privacy have both positive and negative contents? If so, what do they imply? Elucidate your answer in the light of the constitutional bench decision of the Supreme Court in *Justice K. S. Puttaswamy (Retd.) v. Union of India*, dated August 24, 2017.
25. The National Green Tribunal (NGT), in its recent decision, directed the shifting of protest site from Jantar Mantar to Ram Lila Maidan on the ground, *inter alia*, that noise pollution caused by the protests violate the residents' right not to be subject to noise pollution—implied from Article 21 of the Constitution. While doing so, it also observed "[U]ndoubtedly, freedom of speech and right to expression are fundamental rights but they are not absolute. Nobody can, as a right, create noise by amplifying the sound of his speech with help of loudspeakers." Do you think NGT is justified in according primacy to 'right not to be subject to noise pollution' over 'right to freedom of speech and expression'? Explain.
26. Do the estimates of GDP include unpaid reproductive labour? Explain your answer.
27. In wake of globalization, while geographical distance is said to be 'shrinking', social distance and economic gap is increasingly widening. Explain with the help of relevant literature.
28. Critically discuss governance in North-East India under the provisions of the Sixth Schedule of the Constitution.
29. Briefly discuss the emergence of a 'Creative Class' in Indian cities in the backdrop of 'city as a space for leisure and consumption'.

- 30. What is the difference between 'representative' and 'substantive' democracy? Where would you place the Indian democracy? Explain.
- 31. What is the relationship between modernity, modernisation and development? Discuss using relevant scholarly literature.
- 32. What is the difference between charismatic authority, traditional and rational legal authority in Max Weber? Some scholars argue that *suo moto* jurisprudence in India is a form of *kadi* justice. Do you agree? Give examples.
- 33. State the indifference definition of probability. Why has this definition been argued to be circular, tautological or incomplete? Explain with the example of probability of throwing heads with a coin.

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