

Mid Term Examination: August, 2017

Legal Methods

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Legal Methods
Semester- I (Batch: 2017-22)

Mid- Term Examination: August, 2016

Date: 21st August, 2017

Duration: 2 hours

Max. Marks: 30

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- Bare Act is not allowed.

Answer all the Questions.		Marks
Q.1	Scholars have found that defining law is difficult because the theories of law begin from different premises and therefore non comparable, which makes it more difficult to obtain one objective theory of giving complete definition of law, how defensive is this view? Critically analyze.	(06)
Q.2	<i>Prima facie</i> , the doctrine of precedent can be applied in a very straightforward manner (that is, it appears to be simply a question of identifying the legal rule on which a precedent case was based, checking that the facts are analogous with the case to be decided, and applying the rule to the facts in an exercise of deductive logic), in practice, however, matters are not so simple and judges have greater discretion as to whether or not they decide to follow particular precedents. Describe how doctrine of Precedent works in Indian Judicial System and explain how judges can avoid following the same?	(06)
Q.3	Answer any two of the following: <ol style="list-style-type: none"> a) Discuss the historical evolution of rule of <i>stare decisis</i> in Indian legal system. b) What is memorial? Discuss the essential features of a moot memorial. c) Which type of law comprises the set of rules that govern the proceedings of the court in criminal as well as civil and administrative proceedings? Analyze the nature of the same with the help of an illustration. 	(3+3 =06)
Q.4	Answer any three of the following: <ol style="list-style-type: none"> a) Laws sometimes serve to revive the moral conscience of the people and create and maintain such conditions as may encourage the growth of morality. Elucidate on the inseparable association between law and morality by referring to such illustrative laws in Indian Legal System. b) Discuss some illustrative instances of distributive and corrective justice as found in Indian legal system. c) Analyze concept of <i>per incuriam</i> as discussed by the Supreme Court. 	(12)

- b) Discuss some illustrative instances of distributive and corrective justice as found in Indian legal system.
- c) Analyze concept of *per incuriam* as discussed by the Supreme Court.
- d) Define law as per article 13 (3) of the Constitution of India

Page 1 of 1