

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Legal Methods  
Semester- I (Batch: 2022-27)

**End Semester Examination: November 2022**

**Date: 01<sup>st</sup> Nov, 2022**

**Duration: 3 hours**

**Max. Marks: 50**

**Instructions:**

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

- |   | <b>Marks</b>           |
|---|------------------------|
| <p>Q.1 Lon L. Fuller through the fictional legal case of Speluncean Explorers attempted to give us a meaningful insight into the practical application of various legal theories. The intricate facts and philosophically nuanced rulings of this case made it well known in the legal fraternity. Fuller provided five alternative decisions made by five presiding judges in this case. Each of the five jurists used a different jurisprudential philosophy to reach the complicated verdict. Each judge had to consider how to precisely interpret the case in accordance with the provisions in the commonwealth law due to the unique circumstances of the case. In the end, the judges reached various findings by providing a range of justifications for the same.</p> <p>In this regard, briefly discuss the opinion of Chief Justice Truepenny, Justice Foster, Justice Tatting, Justice Keen and Justice Handy by identifying two major schools of jurisprudence highlighted in the judgment and comment on which one according to you is the most suitable in the given situation.</p> | (10)                   |
| <p>Q.2 Critically analyze the correctness of the following statement by giving appropriate reasons.</p> <p>a) Custom is a source of law and not law itself until its existence is recognized by the decisions of the Court of law.</p> <p>b) Sanctioning or remedial rights are those rights which come into existence after the violation of primary rights.</p> <p>c) Reforming the laws for maximizing justice in society and promoting good governance under the rule of law is the vision of the Law commission of India.</p> <p>d) Morals perfect the Law. If law is to remain closer to the life of the people, it cannot ignore morals.</p>   | (2.5x4<br>=10)         |
| <p>Q.3 Answer the following:</p> <p>a) Explain the meaning of restrictive, extensive, and exhaustive definitions as given in a statute</p> <p>b) Explain the distinction between proviso, exception and saving clause in a statute</p>  | (2.5+<br>2.5+5<br>=10) |

- c) Define Statutory Interpretation and highlight the difference between grammatical, golden and mischief rule

Q.4 Answer the following:

(5x2=  
10)

- a) Enlist and elucidate the exceptions to the doctrine of *stare decisis* by referring to relevant case laws.
- b) 'It is impossible to match up a punishment with a crime in such a way that the victims of each suffer equally or are hurt in an exact ratio to each other.' Examine the theory of deterrence and retribution in light of this statement.

Q.5 Explain **any four** of the following:

(2.5x4  
=10)

- a) Question of Law
- b) Hypothesis
- c) Doctrinal Research
- d) Empirical Research
- e) Compensation – as theory of punishment

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