

Roll No: -----



## UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2017

**Program:** B. Tech.(CS+L) & B. Tech(ET+L)  
**Subject (Course):** Legal Methods & Reasoning  
**Course Code:** LLBG 102  
**No. of page/s:** 02

**Semester:** III  
**Max. Marks** : 100  
**Duration** : 3 Hrs

### Section A: (5×2=10)

1. What do you mean by “*ratio decidendi*”?
2. Why legal research is important?
3. Explain the doctrine of “*stare decisis*”?
4. What is the significance of Tribunals in Indian Legal System?
5. Explain the different jurisdictions of Supreme Court?

### Section B: (10+10=20) (any two)

1. Discuss
  - a) The elements that go to constitute/ convert a custom into a customary law. (5 marks)
  - b) The circumstances in which a Court will refuse to apply even a valid rule of customary law. (5 marks)
2. Do judges make law? Explain with relevant case laws. (10 marks)

### Section C: (20 marks)

1. “The great importance attached to judicial precedents is a distinguishing feature of Indian legal system.” Explain the statement and discuss the operation of the doctrine of precedent in the following situations:
  - a) How far the decisions of the High Court are binding on Lower Courts?
  - b) How far a High court is bound by its own decision?
  - c) What is the authority of one High Court’s decision in another high court?
  - d) How far is the Supreme Court bound by its own decision?
  - e) Explain the doctrine of prospective overruling?

UPES

UNIVERSITY WITH A PURPOSE

**Section D: (10+20+20=50)**

1. What are different types and classification of Hypothesis?
2. Examine the three-fold Dicean concept of “Rule of Law” and formulate its content for a modern welfare state like India with a written constitution incorporating fundamental rights. Also discuss why Rule of Law is the need of the hour for successful working of democracy.
3. In a student union election to be held in a university, students filed nominations for the post of President, Vice-President, General Secretary and Joint Secretary whereas the constitution adopted by the University for students election provided for the post of President, Vice-President, Secretary and Joint Secretary. Acting on the basis of the constitution, the election officer rejected the nomination of all those candidates who had filed for the post of General Secretary. The students protest and demand that as they had been contesting elections for the last twenty years for the post of General Secretary and their candidature had never been cancelled, the action of Election Officer was not proper. Decide on the basis of essentials of custom and legislation so as to be treated as a source of law.

Roll No: -----



## UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2017

**Program:** B. Tech.(CS+L) & B. Tech(ET+L)  
**Subject (Course):** Legal Methods & Reasoning  
**Course Code:** LLBG 102  
**No. of page/s:** 02

**Semester:** III  
**Max. Marks** : 100  
**Duration** : 3 Hrs

### Section A: (5×2=10)

1. What do you mean by the term “research”?
2. What do you mean by the term “just society”?
3. Explain the line ‘stand by what has been decided and do not unsettle the established’.
4. What is the basic structure of research?
5. Explain the different jurisdictions of Supreme Court?

### Section B: (10+10=20) (any two)

1. Explain the various components of judicial decisions (judgement). What is the best way of reading a case for class and examination purposes?
2. “Legal services and legal aid schemes were devised to effectively recognize the Constitutional mandate that economic incapacity shall not prevent people’s access to justice.” Explain the statement by throwing light to the relevance of Lok Adalat as an effective tool of amicable dispute resolution. (10 marks)

### Section C: (20 marks)

1. “The great importance attached to judicial precedents is a distinguishing feature of Indian legal system.” Explain the statement and discuss the operation of the doctrine of precedent in the following situations:
  - a. How far the decisions of the High Court are binding on Lower Courts?
  - b. How far a High court is bound by its own decision?
  - c. What is the authority of one High Court’s decision in another high court?
  - d. How far is the Supreme Court bound by its own decision?

- e. Explain the doctrine of prospective overruling?

**Section D: (10+20+20=50) (question one is compulsory)**

1. What is the importance of hypothesis?
2. There exist several complexes of norms, institutions and processes in the Indian society by which disputes are settled: the official legal systems and the traditional systems. Discuss both the legal systems, pointing out the advantages and the problem of both the legal systems.
3. “Rule of Law does not have clear-cut definition. It has been an expression of certain basic postulates and principles. It is changing concept and has meant different things in different times.” Keeping in mind the above words describe what you understand by the expression “rule of law”. How has the meaning changed since the time of Dicey to fulfill the needs of the present welfare state without the change of its basic postulates and principles?