


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2023</b>			
<b>Course: Legal Method &amp; Legal Reasoning</b> <b>Program: BA/BBA/B.Com.LLB</b> <b>Course Code: CLCC 1001</b>		<b>Semester: II</b> <b>Time : 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions: All questions are compulsory.</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Mark s	CO
Q 1	According to the Natural School of Law, the purpose of law is to:	2	CO1
Q 2	The founder of the Positivist school of law is...	2	CO1
Q 3	Give two examples of subordinate legislation.	2	CO1
Q 4	What is the meaning of stare decisis?	2	CO1
Q 5	Who popularized the concept of "Volkgeist"?	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Differentiate between adversarial and inquisitorial legal systems.	5	CO2
Q 7	Explain in brief about the hierarchy of courts in India.	5	CO2
Q 8	Differentiate between qualitative and quantitative research.	5	CO2
Q 9	Explain customs as a source of law.	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	Re write each of the following information in any one standard form of citation. Mention the form of citation that you are using:  a) Author: W. Friedman, Title of the Book: Legal Theory. Publisher: Universal Law Publishing Co. Pvt. Ltd., Delhi-110033 At Pages: 312- 320	10	CO3

	<p>b) Article/Paper- Legal Research: Techniques and Ideas, Authors: E.P Ellinger and K J Keith, Editors: S. K. Verma, M. Afzal Wani, Title of the book: Legal Research and Methodology, First edition 1983, Second Edition 2001, First Reprinted 2006, © The Indian Law Institute, At Pages: 219-240</p> <p>c) Title of book: Principles of Administrative Law, Author: Dr. M. P. Jain, Year : 2001, Publisher: Wadhawa, Place of publication: Nagpur, Page no. cited: 38</p> <p>d) Title of book: Discipline and Punish: The Birth of the Prison, Author Michel Foucault, Publisher Vintage; Reprint edition (1995),</p>		
Q 11	<i>Sampling means selecting the group that you will actually collect data from in your research.</i> In the light of the statement, explain various forms of sampling in research methods.	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	<p>The most prevalent form of violence against females worldwide is domestic violence. Domestic violence against females is a serious public health concern in every community and culture. It has drawn attention from the medical community because it has a negative and harmful impact on the mental, physical and social health of females.</p> <p>World Health Organization (WHO) has defined domestic violence as “the range of sexually, psychologically and physically coercive acts used against adult and adolescent women by current or former male intimate partners”. Violence is often not restricted to the current husband, but may extend to boyfriends, former husbands and other family members such as parents, siblings and in-laws.</p> <p>Domestic violence against women is highly prevalent in India and the women are more often than not, unable to bring it up before appropriate authorities due to structural system in place and therefor, chose to remain silent. Particularly wife beating or physical mistreatment is a very common phenomenon in many Indian homes. The percentage of women who are exposed to violence by their husbands is 45% in India Despite this widespread prevalence, such violence is not customarily acknowledged and has remained invisible. Socio-economic background conditions of women are found to play a significant role in domestic violence.</p> <p>With the above background:</p> <p>a. Frame a suitable title. (5 Marks)</p>	25	CO4

	<p>b. Prepare a hypothesis in relation to the objective of the excerpt. (5 Marks)</p> <p>c. Prepare a research design. (15 Marks)</p>		
Q 13	<p>The constitutionality of Section 497 of IPC was challenged in the case of <i>Joseph Shine v. Union of India</i>, 2018. In this case, the petitioners contended that criminal law should be used only as the last method of social control and it should not be used to check or control private morality or immorality. Centre, on the other hand, argued that adultery is an intentional action, which impinges on the sexual fidelity and sanctity of marriage. It is an action knowingly and willingly done with the full knowledge that it would hurt the family, the children and the spouse.</p> <p>After hearing both the sides, the Supreme Court in a Bench headed by the then Chief Justice of India, Deepak Misra, pronounced that Section 497 of the Indian Penal Code is unconstitutional and hence, struck it down. The court held that the provision was based on gender stereotypes and hence violated Article 14 (equal protection of laws) and Article 15 (non-discrimination on grounds of sex) of the Indian Constitution. The court also struck down Section 198 (2) of the Criminal Procedure Code which allowed a husband to bring charges against the man with whom his wife has committed adultery. The Court also held that for adultery to be termed as a criminal offence, it is essential that one of the spouses committed suicide in the course of the events. In such a case, the other spouse would be made liable for abatement to suicide under Section 306 of IPC.</p> <p>Chief Justice Deepak Misra, while pronouncing the judgement, observed that any provision asserting husband as the master of the wife and treating women with inequality cannot be considered constitutional. Responding to the question of consent, CJI Misra observed that in case of absence of consent of the married woman, it amounts to rape. On the contrary, if the sexual intercourse is done with the consent of both the adults, then the act fails to qualify the test of an offence. Justice Indu Malhotra, while reading her judgment, observed that Section 497 “institutionalises discrimination” and therefore, such a provision needs to be struck down.</p> <p>The Supreme Court on the question of passing a judgement for a new, gender-neutral adultery offence, remarked that subjecting interpersonal relationships to the severity of criminal law would amount to an intrusion into the right to privacy guaranteed under Article 21 of the Indian Constitution</p> <p>On the basis of the facts cited above, answer the following questions:</p> <p>a. Explain in very brief about the different sources of law and identify such sources from facts cited above. (10 Marks)</p> <p>b. Identify and explain the concept <i>ratio decendi</i> (reasoning). (10 Marks)</p>	25	CO4

	c. What do you understand by the binding nature of the judgment? (5 Marks)		
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