



Second Semester LL.M. Examination, Dec. 2012
LAW MAKING PROCESS

Duration : 3 Hours

Max. Marks : 80

- Instructions:** 1. Answer **all** questions.
2. Figures to the **right** indicate marks.

Q. No. I. (a) The inherent reasonableness with an objective utility rather than a subjective logic is a necessary element in all customs. Comment. Marks : 10

OR

Many customs which have taken deep root in society do not appear to be based on any general conviction of their rightness or necessity. Critically comment.

(b) Write an explanatory note on : Marks : 6
1) Custom of sociological origin.

OR

2) Custom as an exception from the ordinary law of land.

Q. No. II. (a) Of the power and jurisdiction of Parliament for making laws is absolute as it cannot be confined either for causes or persons within any bounds. Comment. Marks : 10

OR

The operation of statute is not automatic and has to take effect through interpretation of the courts. Comment.

(b) Write an explanatory note on : Marks : 6
1) The 'Golden rule'.

OR

2) Intention of legislature.

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Q. No. III.(a) Discuss the relationship between equity and Dharma.

Marks : 10

OR

Critically examine how far can legal rules admit exceptions.

(b) Write an explanatory note on :

Marks : 6

1) Courts of Chancery in England.

OR

2) Equity as a source of law.

Q. No. IV.(a) Critically examine judicial activism and creativity of the Supreme Court.

Marks : 10

OR

Reluctance of judges to go questioning beyond the literal meaning of words is due to their realisation that guesses at the 'true intent of the legislator cannot be more than guesses and may often be completely mistaken. Comment.

(b) Write an explanatory note on :

Marks : 6

1) Political nature of judicial process.

OR

2) Legal reasoning and growth of law.

Q. No. V. (a) The Bharateeya definition of law is that law is supreme and binding on all including the rulers and the ruled and with the aid of the law and power of the state, a weak can prevail over the strong. Critically examine.

Marks : 10

OR

The judges should decide the cases according to 'Dharma' uninfluenced by anger or greed. Comment.

(b) Write an explanatory note on :

Marks : 6

1) Need for administration of justice.

OR

2) Difference between law and justice.
