

Reg. No. :

Name :

Second Semester LL.M. Degree Examination, February 2022

Paper V – JUDICIAL PROCESS

Time : 3 Hours

Max. Marks : 75

Answer all questions.

All questions carry equal marks.

- I. (A) Examine the nature and extent of philosophical content in the judicial process.

OR

- (B) In the process of justice administration, courts occupy a unique position. Examine this statement highlighting the historical evolution of court system.

- II. (A) The principles of precedent and stare decisis were stated to have been instrumental in providing stability to the common law system. However, growth was attained by the common law judiciary without violence to these concepts. Examine how this was made possible according to Julius stone.

OR

- (B) Discuss the use of logic in judicial reasoning.

- III. (A) Discuss the role of conscious and sub-conscious elements in judicial process.

OR

- (B) How would you reconcile the law making role of the judiciary with the theory of separation powers?

P.T.O.

- IV. (A) "In recent years, we find judicial activism degenerating into judicial adventurism in India" – Comment.

OR

- (B) "Judicial self-restraint springs from a consciousness of the institutional limitations of the judiciary as also from the urge to maintain its dignity and to keep it free from controversies" – Discuss.

- V. (A) The doctrine of stare decisis prevents an appellate court from moving away from its own previous decisions. Examine the extent to which this doctrine operates as a limitation in judicial decision making.

OR

- (B) Give a brief account of the constitutional limitations on judicial decision making.