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C – 4409

Reg. No. :

Name :

Second Semester LL.M. Degree Examination, July 2017
Paper – V : JUDICIAL PROCESS

Time : 3 Hours

Max. Marks : 75

Instructions : 1) Answer *all* questions.
2) *All* questions carry *equal* marks.

1. a) Discuss the importance of precedent as a source of law in the Common Law System and compare with its significance in the Civil Law System.

OR

- b) Discuss the importance of the philosophical method in the context of Indian legal system.

2. a) "The basic pattern of legal reasoning is reasoning by example. It is reasoning from case to case. It is a three-step process described by the doctrine of precedent in which a proposition descriptive of the first case is made into a rule of law and then applied to a next similar situation." – Levi. Comment.

OR

- b) "The judge who moulds the law by the method of philosophy may be satisfying an intellectual craving for symmetry of form and substance. But he is doing something more." Cardozo. Explain.

3. a) Discuss the different methods of judicial reasoning with illustrations.

OR

- b) "Every judge consulting his own experience must be conscious of times when a free exercise of will, directed of set purpose to the furtherance of the common good, determined the form and tendency of a rule which at that moment took its origin in one creative act." Cardozo. Comment.

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4. a) Examine the various factors weakening the force of *stare decisis* with special reference to the Indian legal system.

OR

b) Do you think that the social philosophy of the judge is important in the decision making process. Elucidate with illustrations.

5. a) Discuss the rules for interpreting the Constitution and explain how far they enable judges to be innovative.

OR

b) Discuss the needs for limiting judicial law making.
