

Reg. No. :

Name :

Second Semester LL.M. Degree Examination, July 2026

Paper V – JUDICIAL PROCESS

(2021 Admission Onwards)

Time : 3 Hours

Max. Marks : 60

Instructions: Answer **all** questions. All questions carry equal marks.

1. "The difficulties of so-called interpretation arise when the legislature has had no meaning or context at all; when the question which is raised on the statute never occurred to it; when what the judges have to do is, not to determine what the legislature did mean on a point which was present to its mind, but to guess what it would have intended on a point not present to its mind, if the point had been present", thus opines jurist Gray. Critically analyse the above statement.

OR

2. Trace the historical evolution of courts, from the inception of the concept to the current system of adjudication.
3. "The Indian legal system has evolved as an essential ingredient of the world's largest democracy and a crucial front in the battle to secure constitutional rights for every citizen". Evaluate the above statement. Give reasons in support of your position.

OR

4. What is the significance of stare decisis? What are its fundamental principles? From a comparative perspective, bring out the relevance of stare decisis in different jurisdictions.

5. "There is in each of us a stream of tendency, whether you choose to call it philosophy or not, which gives coherence and direction to thought and action. Judges cannot escape that current any more than other mortals", comments J. Cardozo. Enumerate the cautionary steps adopted to eliminate subjectivity from judicial reasoning and pronouncements.

OR

6. If we view "law as an adjustment of conflicting interests and an exhaustively detailed analysis of these interests in their 'individual' and 'social' dimensions", discuss the role of the judges who act as arbiters in such balancing of interests through the interpretation of law.
7. "In recent times, the trend in the Supreme Court is to rely more on the sociological school of jurisprudence and less on the positivist school", opined J. Katju. From the context of judicial activism, examine this statement. Substantiate your answer with relevant case laws.

OR

8. "The judge, even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight-errant, roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles." Do you agree with this statement? Justify your position with suitable illustrations in the Indian context.
9. Examine the different Constitutional safeguards that ensure the independence of judiciary in India.

OR

10. Justice Holmes stated: "the law is not 'a deduction from principles of ethics' or 'admitted axioms' or what not. The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law". Keeping in view the role of the judge, clarify the scope and meaning of law as emanating from the judiciary. Critically analyse and discuss.

(5 × 12 = 60 Marks)