



(Pages : 2)

A – 2985

Reg. No. : .....

Name : .....

**Second Semester LL.M. Degree Examination, June 2016**  
**Paper – V : JUDICIAL PROCESS**

Time : 3 Hours

Max. Marks : 75

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

I. a) English system of precedent itself is a supreme example of free finding of law by judges. Examine this statement with reference to the English judicial achievement.

OR

b) Examine the scope of judicial activism in India for the protection of life and personal liberty.

II. a) "Among the propositions of law enunciated by the Judge, 'only those' which he appears to consider necessary for his decision are said to form part of the ratio decidendi and thus amount to more than obiter dictum". Explain this statement by differentiating between ratio decidendi and obiter dictum.

OR

b) Examine the nature and meaning of self imposed limitation on judicial decision making.

III. a) A judicial decision is a "matter of outlook and impression rather than one of logical argument". Examine this statement.

OR

b) Explain the legal category of Indeterminate reference.



- IV. a) "No system of law- whether it be judge made or legislatively enacted can be so perfectly drafted as to leave no room for dispute". Analyse.

OR

- b) Analyse the philosophical content of judicial process.

- V. a) "In thus recognizing, that the power to declare the law carries with it the power, and within limits the duty to make law when none exists, I do not mean to range myself with the jurists who seem to hold that in reality there is no law except the decisions of the Court". Comment referring to Cardozo's views regarding the judge as a legislator.

OR

- b) Explain the role of conscious and subconscious elements in the judicial process.
-