

LL.M. DEGREE II SEMESTER EXAMINATION, APRIL 2009

SLS 2201 JUDICIAL PROCESS

Time : 3 Hours

Maximum Marks : 50

(All questions carry EQUAL marks)

(5 x 10 = 50)

- I. A. "The rule of stare decisis maintains its sway over the common law, by compelling a self – perpetuating self renewal of what the common law contains". Explain.
- OR**
- B. "The whole process of search for a solution, where the legislator's will fails, Geny termed "free scientific research". Discuss.
- II. A. How far Justice Cardozo is justified when he commented that ultimately the decisions of a Judge mostly depends upon the environment in which he is brought up, his personal convictions and predictions.
- OR**
- B. "The more illusory categories are available the more will be the judicial freedom to make better decisions by judicial activism in the interpretative process". Examine.
- III. A. Highlight the concept of *ratio decidendi* and explain how *ratio decidendi* of a decision is ascertained.
- OR**
- B. Discuss the concept of precedent and trace its efficacy in the Indian Legal System.
- IV. A. "A case is only an authority for what it actually decides". Critically examine.
- OR**
- B. Explain the doctrine of Judicial self-restraint and state the justification thereof.
- V. A. "A lawyers argument is not a chain of demonstrative reasoning. It is a presenting and representing of those features of the case which severally co-operate in favour of the conclusion, in favour of calling the situation by the name by which he wishes to call it. The reasons are like the legs of a chair, not the links of a chain". Illustrate.
- OR**
- B. The method of sociology plays a vital role in the Judicial Process Analyze.