

F 2352

Reg. No.....

Name.....

Ph.D. COURSE WORK EXAMINATION IN LAW, OCTOBER 2022

Course II—THEORY AND CONCEPT—LAW

(2020 Admissions)

Time : Three Hours

Maximum : 50 Marks

Part A

*Answer any ten of the following questions.
Each question carries 4 marks.*

1. Explain the doctrine of judicial self-restraint.
2. What is reasoning by analogy ?
3. Write a note on Wambaugh's test.
4. Decision per incuriam.
5. "A case is only an authority for what it actually decides". Comment.
6. Compare the role of judges in Civil law and common law legal systems.
7. Describe the scope of Article 142 of the Constitution.
8. Examine the relevance of declaratory theory of precedents in the modern judicial system.
9. Do you agree that there are implied limitations on amending power of the constitution ?
10. Critically examine the range and limits of judicial discretion.
11. Life of law is not logic, but experience. Elucidate.
12. Explain judicial process as an instrument of social ordering.

(10 × 4 = 40 marks)

Part B

*Answer any one of the following questions.
The question carries 10 marks.*

13. "The legislature often fails to keep pace with the changing needs and values nor is it realistic to expect that it will have provided for all contingencies and eventualities. It is therefore, not only necessary but obligatory on the courts to step in to fill the lacuna"-Comment.
14. "Method of sociology is the arbiter between the other methods of decision making"-Explain.

(1 × 10 = 10 marks)