

**GUJARAT NATIONAL LAW UNIVERSITY  
SILVASSA CAMPUS**

Course: Legal Methods  
Semester- I (Batch: 2024-29)

**End Semester Examination: Oct-Nov 2024**

**Date: 19<sup>th</sup> Oct, 2024**

**Duration: 3 hours**

**Max. Marks: 50**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 800 words, 5 Marks: 400 words.

**Part A**

Answer **any three** out of four of the following questions.

- |     |  | <b>Marks</b> |
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| Q.1 | Published in the Harvard Law Review in 1949, Lon Fuller's <i>The Case of the Speluncean Explorers</i> hypothesises a case of cave explorers who face a dilemma of killing or being killed. Roger Whetmore is cannibalised by his cave-exploring colleagues after the trapped men realise that there are less chances of survival before any rescue team can reach them. The survivors are convicted of violating a law making it a crime that one "wilfully take the life of another," notwithstanding their defence of necessity. An evenly divided Supreme Court of Newgarth affirms the convictions, with each Judge giving a distinct opinion and rationale for reaching their decision.<br>(a) Discuss in detail the opinion of any three judges.<br>(b) If you were one of the five judges, what would be your decision? Give reasons. | (7.5 + 2.5)  |
| Q.2 | Law and language are closely related. Indeed, law is an overwhelmingly linguistic institution. In fact, laws are coded in language and legal concepts are accessible only through language. Research on language and the law is historically multidisciplinary, spanning fields such as sociology, linguistics, anthropology, legal studies, and psychology.<br>(a) Discuss the broad-ranging correlation between law and language.<br>(b) Explain the difference between Question of Law and Question of Fact with the help of an example.  | (7 + 3)      |
| Q.3 | Never mistake law for justice. Justice is an ideal, and law is a tool. - L.E. Modesitt Jr.<br>(a) Are Law and Justice always the same? Substantiate your view with illustrations.<br>(b) Briefly elaborate on any two types of justices. Give examples.<br>(c) What is the definition of law given by John Austin?   | (4 + 4 + 2)  |
| Q.4 | Punishment governs all mankind; punishment alone preserves them; punishment wakes while their guards are asleep; the wise considers the punishment ( <i>Danda</i> ) as the perfection of justice. - Manu<br>(a) Discuss any four theories of punishment. Illustrate with examples.<br>(b) What are your views on Capital Punishment (Death Penalty)? Explain.  | (8 + 2)      |

## Part B

Answer **any two** out of three of the following questions.

**Marks**

- Q.5 Law is framed and enforced by a determinate political authority. It enjoys the sanction of the State. Disobedience of law is generally followed by physical punishment. On the other hand, morality is neither framed nor enforced by any political authority. It does not enjoy the support of the State. The only check against the breach of morality is social condemnation or individual conscience. (05)

Discuss the relationship of law and morality in the Indian Legal System with the help of two relevant statutory/policy examples.

- Q.6 In one or two sentences, explain the meaning of **any five** words/phrases: (05)

- (a) *Ubi Jus Ibi Remedium*
- (b) Vicarious Liability
- (c) Sovereign
- (d) *Audi Alteram Partem*
- (e) *Amicus Curiae*
- (f) Estoppel
- (g) *Res Ipsa Loquitur*

- Q.7 A statute is a formal written enactment of a legislative body. Typically, statutes command or prohibit something, or declare policy. (05)

Briefly enumerate the parts of a statute and their significance.

## Part C

**Marks**

- Q.8 Write a short note on **any two** of the following: (5 + 5)
- (a) Purely-Legal Research and Socio-Legal Research
  - (b) Natural School of Law
  - (c) Purpose and Function of Law
  - (d) Golden Rule and Mischief Rule of Interpretation

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