

**GUJARAT NATIONAL LAW UNIVERSITY**  
**SILVASSA CAMPUS**  
 Course: **Legal Methods**  
**Semester- I (Batch: 2023-28)**

**End Semester Examination: Oct-Nov 2023**

**Date: 26<sup>th</sup> Oct, 2023**

**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 four of the following questions.

- |   | <b>Marks</b>         |
|---|----------------------|
| <p>Q.1 Law is a large body of rules and regulations based on the general principles of justice, fair play, and convenience. This set of rules is created and enforced by governmental institutions to regulate human behaviour. As per English philosopher Thomas Hobbes, “Law is the formal glue that holds fundamentally disorganised societies together.”</p> <p>Where law regulates and controls the external human conduct, morality regulates and controls both the inner motives and the external actions. Morality condemns a person if he or she has some evil intentions but laws are not applicable unless these intentions are manifested externally and some harm is done to another person.</p> <p>(a) What is the nature of law?<br/>           (b) Elaborate on the interplay between Law and Morality.</p> | <p>(5x2=<br/>10)</p> |
| <p>Q.2 Justice is the legal and philosophical theory by which fairness is administered. It refers to fairness based on a moral, political, or ideological framework. It draws a harmonious balance between rights and duties of the people living in the society. It relates to the moral, social, economic, political, and legal relations of an individual with others.</p> <p>The concept of justice has been defined differently by philosophers, political thinkers, economists, sociologists and religious leaders. It has been changing from time to time, depending upon the conditions and circumstances prevailing in each age.</p> <p>Enlist the types of justice and elaborate on any four of them by substantiating with illustrations.</p>  | <p>(10)</p>          |
| <p>Q.3 ‘Source of law’ means the origins from which binding rules of human conduct come into existence and gain legal force. One of the many sources of law is customs. Customary Law is constituted by customs which fulfil the requirements laid down by law as the condition for their recognition as obligatory rules of conduct.</p>   | <p>(5x2=<br/>10)</p> |

- (a) What are the different sources of law?  
 (b) What are the requisites of a valid custom i.e., what are the requirements for a custom to gain legal recognition? Elaborate with illustrations.
- Q.4 Jurisprudence signifies knowledge of law and its application. It is considered to be the study and systematic arrangement of the general principles of law. Different approaches to the treatment of jurisprudence are represented by its various schools of legal thought that aim to understand the nature, purpose, and function of law in society. These schools of legal thought differ in their fundamental assumptions about the law, the role of the state, the relationship between law and morality, law and society and the source of legal authority. (6+4=10)
- (a) Which are the five schools of legal thought? Explain any three.  
 (b) Which school of thought appeals you the most? Give reasons.
- Q.5 Punishment is one of the most prominent features of criminal law. It is the authorised imposition of burdens or deprivations because a person has been found guilty of some criminal violation, typically involving harm to the innocent. Every society has its own way of social control for which it frames certain laws and mentions the punishments attached to violating them. Theories of punishment generally contain policies regarding the handling of crimes and criminals. The theory of punishment deals with the philosophy and principles based on which punishment is to be given to the offender. (10)
- Elaborate on any four theories of punishment. Illustrate with examples.
- Q.6 The doctrine of *Stare Decisis* did not exist in India during the ancient or mediaeval period. It was only during the advent of the British rule in the country that the concept was introduced and applied in India. The British legal establishment in India led to the concept of the hierarchy of courts along with the reporting of decisions - these two elements are the preconditions for the functioning of the doctrine of *Stare Decisis*. (2+4+4=10)
- (a) What is the doctrine of *Stare Decisis*?  
 (b) Give two advantages and two disadvantages of the doctrine of *Stare Decisis*.  
 (c) Briefly explain the different types of precedents.

### Part B

- Q.7 Write short note on any two of the following: (5x2=10)
- (a) Advantages of Legal Justice  
 (b) Law and Language  
 (c) Ratio Decidendi and Obiter Dicta  
 (d) Golden and Literal Rule of Interpretation

\*\*\*\*