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Reg. No.....

Name.....

LL.M. DEGREE EXAMINATION, SEPTEMBER 2023

First Semester

Paper II—JUDICIAL PROCESS

(Prior to 2021 Admissions—Supplementary/Mercy Chance)

Time : Three Hours

Maximum : 75 Marks

*Answer any **five** questions.*

All questions carry equal marks.

1. “A statute, till construed, is not real law. It is only ‘ostensible’ law. Real law is not found anywhere except in the judgment of a Court”—Jethro Brown. Elucidate in the light of the views of B.N. Cardozo regarding ‘judge as a legislator’.
2. “The rule of adherence to precedent is applied with less rigidity in the U.S. than in England”—Compare the position in U.S and U.K in this regard.
3. Discuss briefly the “doctrine of stare decisis” and its exceptions.
4. With the help of illustrative case law, discuss the tests to determine ratio decidendi.
5. Critically evaluate the role of logic in the development of the common law system.
6. ‘Judges shall not remain silent spectators - “Elucidate in the light of the judicial contributions in India.
7. Explain the principal legal categories of illusory reference commonly found in the legal material; as highlighted by Julius Stone.
8. Write short notes on any *three* :
 - (a) Doctrine of judicial review.
 - (b) Prospective overruling.
 - (c) Judicial self - restraint.
 - (d) Basic structure theory.

(5 × 15 = 75 marks)

