

F 6897

2020 BATCH

Reg. No.....

Name.....

LL.M. DEGREE EXAMINATION, JANUARY 2022

First Semester

Paper II—JUDICIAL PROCESS

(Regular/Supplementary)

Time : Three Hours

Maximum : 75 Marks

Answer any five questions.

All questions carry equal marks.

1. 'Stare decisis is the preferred course because it promotes even handed, predictable and consistent development of legal principles fosters reliance on judicial decisions and contributes to the actual and perceived integrity of the judicial process' – Explain.
2. Analyse the relevance of judicial discretion in judicial reasoning with relevant case laws.
3. Analyse with relevant case laws the relevance of judicial activism and judicial over activism.
4. Discuss the scope of judge as a legislature and analyse the judicial creativity and its limitations.
5. Discuss the relevance of precedent on common law and on civil law countries.
6. 'The literal meaning of the term overruling is to oversum or set aside a precedent by expressly deciding that it should no longer be controlling law. Analyse with relevant case laws and implementation on the constitutional amendments.
7. 'Judicial power as contradistinguished from the power of the laws, has no existence. Courts are the mere instruments of law and can nothing. When they are said to exercise a discretion, it is a mere legal discretion, a discretion to be excused in discerning the course prescribe by law' – C.J. John Marshall – Analyse the statement.
8. 'Judicial process, the duty of the court is to ascertain the law and apply it and judge the fact on the light of that law, hex Court has no power to legislate' – Discuss.

(5 × 15 = 75 marks)