

LEGAL METHODS

Time: 3 Hours

Maximum Marks: 50

Answer ANY FIVE questions. Each question carries TEN marks.

(5x10=50)

- I. Why is the Supreme Court of India and the various High Courts in India referred to as Constitutional Courts? Write a detailed note on the various kinds of jurisdiction exercised by the Supreme Court of India as per the constitutional scheme.
- II. List out the major components of an 'Act' assented by the President of India and published in the Gazette of India. How is 'law' defined in Article 13 (3) of the Constitution of India? What is the difference between an 'Act' and an 'Ordinance'. Discuss the rules relating to commencement of an 'Act' enacted by the Parliament of India.
- III. Explain how the doctrine of *Stare decisis* has been applied in India. What is the significance of *Bengal Immunity Company Limited v. State of Bihar*, AIR 1955 SC 661 in the context of a discussion on *stare decisis*. With the help of at least one illustration for each category elucidate on the various types of treatments that are given to precedents in a subsequent judgment.
- IV. Write notes on the following:
 - (a) Hierarchy and jurisdiction of civil courts in England.
 - (b) Hierarchy and jurisdiction of courts in the State Court System of the United States of America.
- V. Explain the salient features of 'Wambaugh's test' and 'Goodhart's test' for determining the *ratio decidendi* of a judgment. Distinguish between a judgment '*per incuriam*' and '*sub silentio*'.
- VI. With the help of suitable illustrations elucidate on the meaning of the following terms: (a) overruling; (b) reversing; (c) majority opinion; (d) minority opinion; (e) concurring opinion; (f) dissenting opinion. Write a note on the doctrine of 'prospective overruling'.
- VII. What are 'Legal Citations'? What purpose do they serve? Rearrange the information provided below in accordance with the latest editions of the following citation styles: (a) *Blue Book: A Uniform Styles of Citation*; (b) *Oxford Standard Citation of Legal Authorities (OSCOLA)*; (c) *Standard Indian Legal Citation*.

(a) Name of the Author: Jamal Green

Title of the article: The Anticanon

Volume of Journal: 125

Page Number: 379

Name of Journal: Harvard Law Review

Year of publication: 2011

(b) Publisher: Lexis Nexis

Title of the book: Indian Counter Terrorism Laws

Name of the author: Shruti Bedi

Year of publication: 2015