



BRAINWARE UNIVERSITY

Term End Examination 2022

Programme – BBA LL.B.-2019/BBA LL.B.-2020/BBA LL.B.-2021

Course Name – Legal Method

Course Code - BBALLB304/BBALLB303

(Semester III)

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :
- (i) In *Keshavananda Bharati v State of Kerala* (AIR 1973 SC 1461), some of the judges constituting _____ were of the opinion that the Rule of law was an "aspect of the doctrine of basic structure of the Constitution, which even the plenary power of Parliament cannot reach to amend." Select the correct word for fill in the blank.
- a) medium
b) majority
c) minor
d) popular
- (ii) Corelate the case where "Rule of law permeates the entire fabric of the Indian Constitution and indeed forms one of its basic features."
- a) *Ashby vs White Case*
b) *Heydon's case*
c) *Bachan Singh v State of Punjab*, AIR 1982 SC 1336
d) *State vs Tara*, AIR 1789 SC 1234
- (iii) Infer that Research can be conducted by a person who
- a) has studied research methodology
b) Possesses thinking and reasoning ability
c) Holds a PG degree
d) Is a hard worker
- (iv) Write that the Kinds of research includes
- a) action research
b) applied research
c) both action research and applied research
d) none of these
- (v) Choose any of the following option which interprete the maxim "Qui facit per alium facit per se" -
- a) He who does an act through another is deemed in law to do it himself
b) Injury without damage
c) Where there is right there is remedy
d) No man is greater than law
- (vi) The general law of England can be divided into the three parts viz., Statute Law, _____ . (Select any of the following option to complete the sentence)

- a) Colony Law and Crime Law
 c) Equity and Common law
- b) Casual Law and Common Law
 d) None of these
- (vii) Choose any of the following option which interprete the maxim maxim "Actus non-facit reum nisi mens sit rea " -
- a) The act does make a woman guilty
 c) The duty does make a woman guilty when there is no guilty intention
- b) The act does not make a man guilty unless there be guilty intention
 d) The act does make a man guilty when there is no guilty intuition
- (viii) Select the correct option that the term "legislation" means
- a) enacted law
 c) Law making (legis + lation. Legis = law; lation = to make)
- b) "litra scripta" (letters in writing)
 d) All of these
- (ix) "Custom is to society what law is to state." Relate the statement with the name of the jurist who made this observation.
- a) Salmond
 c) Holland
- b) Bentham
 d) Maine
- (x) "Legislation means the formal utterances of the legislative organs of the society" Identify the name of the jurist who made this observation.
- a) Gray
 c) Holland
- b) Maine
 d) Austin
- (xi) Determine the reason for the growth of delegated legislation
- a) Pressure and busy on Parliamentary time
 c) Experiment and emergency
- b) Technicality of subject matter
 d) All of these
- (xii) The court interprets the _____ whenever a dispute comes before it. (Choose any of the following term for the gap)
- a) legislation
 c) time
- b) precedent
 d) courage
- (xiii) A _____ is the will of the legislature. (choose any of the following term to complete the sentence).
- a) statute
 c) formation
- b) company
 d) pillar
- (xiv) "Law is the command of sovereign, and not of divine" --- Name the Author
- a) John Austin
 c) Winfield
- b) Salmomd
 d) Holland
- (xv) According to Salmond, the object of law is _____. (select any of the following option to complete the sentence)
- a) justice
 c) good
- b) values
 d) all of these

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Distinguish between Legislation and Precedent. (3)
3. Explain the Maxim "Noscitur a Sociis" . (3)
4. Explain in brief about the various methods of interpretation (3)
5. Express the meaning and Concept of legal research. (3)
6. Explain the meaning of the doctrine of seperation of power? (3)

OR

Explain the meaning of the term 'Judicial Activism'? (3)

Group-C

7. Define and Explain the term law and its nature, function and purpose . (5)
8. Explain the difference between Statutory and Non Statutory Law (5)
9. Describe the nature of the binding character of precedent in our country. (5)
10. Evaluate the nature of our Indian Constitution as the Supreme Law of the Land. (5)
11. Explain the meaning of the principle of Rule of Law in details according to A.V. Dicey. (5)
12. Consider the following maxims "Ubi Jus Ibi Remedium" (5)

OR

Summarise the important feature and order of a research design. (5)
