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B.A. LL.B. (ACADEMIC LAW)
(FIVE YEARS SEMESTER PATTERN) CREDIT SYSTEM
EXAMINATION : MAY-JUNE - 2023
THIRD - SEMESTER
Sub.: Legal Method (LW-3001)

Date : 29/05/2023

Total Marks : 60

Time: 2.00 pm to 4.30 pm

Instructions: 1) All questions are compulsory.
2) Figure indicate to the right full marks.

Q. 1. Answer the following question. (15)

A) Define 'Law'. Distinguish between public and private law.

OR

B) "Separation of powers is the mechanism of governance in three branches i.e., as specified above Legislative, Executive and Judiciary. Separation of power prevents misuse of power of accumulation of power in a few hands, separation of power safeguards the society from arbitrary and irrational power of the state". Explain Separation power and Indian Constituion.

Q. 2. Answer the following question. (15)

A) What do you mean by 'sources of law'? Legislation as a source of Law.

OR

B) Legal Research tries to give solutions to legal problems.' In the light of this statement discuss the role of legal research for legal development in India.

Q. 3. Write Short Notes. (any four) (20)

- a) Ratio-decidenti
- b) Research Problem
- c) Hierarchy of Courts
- d) Substantive and procedural Law
- e) Citations
- f) Hypothesis

Q. 4. Answer the following questions. (10)

A) A family belonging to Rishikesh community was living in Punjab from over three generations. According to the custom applied to that community, in Punjab a widow of one brother can marry the brother of her deceased husband, and that this marriage was considered to be valid as a part of custom of that community. The family decided to move to Delhi in 1990. It was held that according to customs applied to Rishikesh community in Punjab, this type of marriage is valid and the family must have presumed to have carried this custom with it to Delhi, and so it must be applied to it. In 1994 a younger son of the family died in a road accident in Haryana. As per the custom of the

family they decided to marry their elder son who was slightly handicapped and who was unmarried, with the widow of their younger son. However, the parents of widow are not willing for this marriage. They moved to the court and raised the questions regarding the validity of this custom. The following contentions were raised by both the parties:

1) The in-laws of widow contended that their family is following this custom from time immemorial hence it is a valid custom.

2) The other party (parents of widow) contention was that the family discontinued this customary practice in 1990 when another widow in their family marry someone else and did not follow this customary practice. As per them, hence, this custom is unreasonable and opposed to public policy. Their further, contention was that this is no longer have the enforceability of law.

Decide the case while keeping in mind the tests which a custom must satisfy for its judicial recognition or validity.

OR

B) Discuss the operation of doctrine of Precedent in the following situations:

- (i) How far the decision of the High Court are binding on lower courts?
- (ii) How far the High Court is bound by its own decisions?
- (iii) What is the authority of one High Court decision in another High Court?
- (iv) How far the Supreme Court is bound by its own decisions?
