

2. Fill in the blanks.

(C.O.NO.1) [Knowledge]

- I. Rules/legislation made by an authority other than the parliament is known as _____.
- II. Continuity and antiquity of a practice leads to _____.
- III. _____ and _____ are two kinds of international law.
- IV. Public law deals with _____.
- V. _____ is the function of legislative organ of the government.

Part B [Thought Provoking Questions]

Answer both the Questions. Each Question carries five marks. (2Qx5M=10M)

3. 'Law includes fundamental rules of behavior, as well as institutions and devices for changing, clarifying, refining, and applying the rules' - Justify the ideology with different kinds of law by Salmond. (C.O.NO.2) [Comprehension]
4. 'Precedent has the merit of promoting certainty and consistency in judicial decisions, and enables an organic development of the law' - Elucidate the statement with relevant cases. (C.O.NO.2) [Comprehension]

Part C [Problem Solving Questions]

Answer the Question. The Question carries ten marks. (1Qx10M=10M)

5. Ana is on the basketball team at MSDP University. She is a high profile player on the team, and as a result she has lot of followers on Twitter and a large network on Facebook and Instagram. For this reason, the members of the University Sports Board at her college think it's necessary to monitor her social media accounts. In India, there is no law to prevent schools from requiring individuals to give up their personal social media login and password information, so Ana is forced to hand over her social media account information. University officials say that the intent of monitoring is to identify potential compliance and behavioral issues early on, enabling Sports departments to educate candidates on how to present themselves online. They regularly check what Ana posts and flag certain postings with which they have issues. One day Ana tweets "Skipping class to break bad #schoolsucks #bettercallsaul #breakingbad." University finds it questionable and initiated disciplinary proceedings against Ana, resulting in suspension of the candidate. (C.O.NO.3) [Application]
 - a. Should universities be allowed to monitor student social media accounts? If so, under what circumstances?
 - b. Should right to privacy be considered as an essential and fundamental right of every individual? If yes, what crosses the line between campus safety and invasion of privacy?



SCHOOL OF LAW

Semester: Ist

Course Code: LAW101

Course Name: LEGAL METHODS AND LEGAL REASONING

Program & Sem: BA/BBA/Bcom LLB (Hons)

Date: 1/10/2019

Time 60 MINS

Max Marks: 30

Weightage: 15%

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO	Unit/Module Number/Unit /Module Title	Memory recall type		Thought provoking type			Problem Solving type	Total Marks
			[Marks allotted]	Bloom's Levels	[Marks allotted]	Bloom's Levels	[Marks allotted]		
				K		C		A	
1	Co1	1	1	kn ow led ge					1
2	Co1	1	1	kn ow led ge					1
3	Co1	1	1	kn ow led ge					1
4	Co1	1	1	kn ow led ge					1

Note. While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

[I hereby certify that All the questions are set as per the above guide lines. Ms. Sneha Goud]

Reviewers' Comments

**SCHOOL OF LAW****SOLUTION**

Semester: 1st

Course Code: LAW101

Course Name: LEGAL METHODS AND LEGAL REASONING

Program & Sem: BA/BBA/Bcom LLB (Hons)

Date: 1/10/2019

Time: 60 MINS

Max Marks: 30

Weightage: 15%

Part A

(10Q x 1M = 10 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	Definite		1
2	Austin		1
3	None of the above		1
4	Law maker is the judge		1
5	Civil law		1
6	Subordinate legislation		1
7	Custom		1
8	Public and private		1
9	Relation between state and individuals		1
10	Law Making		1

Part B

(2Q x 5M = 10 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
11	Imperative – scientific – practical – conventional customary – international – civil – natural law.	Introduction – 1M 8 kinds – 4M	15
12	Precedent – Article 141 – 4 types with examples	Introduction – 1M Context – 4M	15

Part C

(1Q x 10M = 10Marks)

Q No	Solution	Scheme of Marking	Max. time required for each Question
13	Brief note of facts Identification of issue involved Analysis and justification Concluding remarks/suggestions	Facts and Issue-2M Analysis and Justification - 6M Suggestions - 2M	20



PRESIDENCY UNIVERSITY
BENGALURU

SCHOOL OF LAW

TEST – 2

Roll No.																			
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Sem & AY: Odd Sem 2019-20

Course Code: LAW 101

Course Name: LEGAL METHODS AND LEGAL REASONING

Program & Sem: BA/BBA/Bcom LLB (Hons) & I Sem

Date: 19.10.2019

Time: 1.00 PM to 2.00 PM

Max Marks: 30

Weightage: 15%

Instructions:

- (i) Please read all the questions carefully.
- (ii) Confine your responses to the analysis of the questions.

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries two marks. (5Qx2M=10M)

1. Define Null Hypothesis with an example. (C.O.NO.4)[Knowledge]
2. Objectives of research should be "SMART". Elucidate. (C.O.NO.4)[Knowledge]
3. List out the utility of Legal research. (C.O.NO.4)[Knowledge]
4. Explicate any two types of studies available to conduct socio-legal research. (C.O.NO.4)[Knowledge]
5. Bring out the importance of review of literature. (C.O.NO.4)[Knowledge]

Part B [Thought Provoking Questions]

Answer all the Questions. Each question carries five marks. (2Qx5M=10M)

6. Elucidate on identification and formulation of research problem. Briefly discuss the steps involved in research process. (C.O.NO.4)[Knowledge]
7. 'A title is to a research paper what a headline is to a news article' – Elucidate on essential characteristics of a good title for a research paper. (C.O.NO.4)[Comprehension]

Part C [Problem Solving Questions]

Answer both the Questions. Each question carries ten marks. (2Qx5M=10M)

8. 'Collecting data is one of the most important components of research. Good data plays a significant role in gaining insight on the existing problem or opportunity' – Critically analyze the technique of observation and interview in data collection.

(C.O.NO.4)[Analysis]

9. The CityCenter is an entertainment "zone" in Bangalore, India, that attracts nearly ten million tourists each year. The center encompasses theaters, arenas, museums, exhibition halls, conference rooms, outdoor stadiums, and restaurants, and features street performers. Under the authority of the city, the center's director issued rules in 2019 to address safety concerns and other matters. Among other things, street performers were required to obtain permits and wear badges. After members of the public filed numerous complaints of threatening behavior by street performer and balloon artist Johnson, CityCenter staff opposed Johnson's performance for several rules violations. He filed a suit in High Court against the city and others, alleging that the rules violated his free speech rights. The case is heard by 5 bench judge. Two judges were of the opinion that the rules requiring permits and badges were "content neutral." Time, place, and manner restrictions do not violate the fundamental right if they burden all expressions equally and do not allow officials to treat different messages differently. In this case, the rules met this test and thus did not discriminate based on content. Three judges were of the opinion that the rules were "narrowly tailored" to "promote a substantial government interest that would be achieved less effectively" otherwise. With the rules, the city was trying to "reduce territorial disputes among performers, deter patron harassment, and facilitate the identification and apprehension of offending performers." This was pursuant to the valid governmental objective of protecting the safety and convenience of the other performers and the public generally. One judge of the bench concluded in favor of Johnson. Court with the reasons above stated dismissed the petition upholding the validity of rules with no costs.

(C.O.NO.4)[Analysis]

- a. Identify the legal issues involved in the above case.
- b. Explain different types of opinions in a judgment and identify the same in the given brief.
- c. Identify the ratio decidendi of the judgment.



SCHOOL OF LAW

Semester: 1st

Course Code: LAW101

Course Name: LEGAL METHODS AND LEGAL REASONING

Program & Sem: BA/BBA/Bcom LLB (Hons)

Date: 19/11/2019

Time: 60 MINS

Max Marks: 30

Weightage: 15%

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO	Unit/Module Number/Unit /Module Title	Memory recall type [Marks allotted] Bloom's Levels		Thought provoking type [Marks allotted] Bloom's Levels			Problem Solving type [Marks allotted]			Total Marks
			K		C			A			
1	Co4	5	2	unders tandin g							2
2	Co4	5	2	knowle dge							2
3	Co4	5	2	Under standi ng							2
4	Co4	5	2	unders tandin g							2
5	Co4	5	2	knowle dge							2
6	Co4	5			5	Unders tanding					5

7	Co4	5				5	Compr ehensi ve				5
8	Co4	5						5	Anal ysis		5
9	Co4	5						5	Anal ysis		5
	Total Marks										30

K = Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

Annexure- II: Format of Answer Scheme



SCHOOL OF LAW

SOLUTION

Semester: Ist

Course Code: LAW101

Course Name: LEGAL METHODS AND LEGAL REASONING

Program & Sem: BA/BBA/Bcom LLB (Hons)

Date: 19/11/2019

Time: 60 MINS

Max Marks: 30

Weightage: 15%

Part A

(5Q x 2M = 10 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	No relationship between two variables and that controlling one variable has no effect on the other	Meaning - 1M Example - 1M	2

2	Specific – Measurable – Achievable – Realistic - Timely	Each essential – ½ M	2
3	New interpretation-Formulation of new law-Evaluation of existing law-Presenting known legal principles or law in new social setting-Establishing correlation-Historical, evolutionary or comparative study – to substitute-Application of known methodology-Development of law in question	Four utility – 2M	2
4	Any two types from the 7	Each type – 1M	2
5	4 advantages of literature review	Each type – ½ M	2

Part B

(2Q x 5M = 10 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
6	Problem-existence of solution-finding out better solution-can it better-create one Define the problem-review of literature-research design-hypothesis-carry on research-interpret results-report research findings	Formulation of research problem - 2M steps – 3M	10
7	8 tips on writing title – finish paper-clear, concise, attractive-not too long or too short-keywords and phrases-indicates exactly what research is about-reflects the tone of the paper-avoid acronyms, abbreviations and jargons-ensure to deliver	Each essential – ½ M	10

Part C

(1Q x 10M = 10Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
8	Observation – types advantages and disadvantages Interview – types advantages and disadvantages	Observation – 2 ½ M Interview – 2 ½ M	15
9	Case Analysis – majority opinion – dissenting opinion – concurring opinion – ratio decidendi	Legal issue – 1M 3 types of opinion – 3M Ratio decidendi – 1M	15



Roll No.																				
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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM FINAL EXAMINATION

Semester: Odd Semester 2019-20

Course Code: LAW 101

Course Name: LEGAL METHODS AND LEGAL REASONING

Program & Sem: BA/BBA/BCOM LL.B & I

Date: 6 January 2020

Time: 9:30 AM to 12:30 PM

Max Marks: 100

Weightage: 50%

Instructions:

- (i) *Please read all the questions carefully*
 - (ii) *Confine your responses to the analysis of the questions*
-

Part A [Memory Recall Questions]

Answer all the Questions. Each Question carries 6 Marks

(5Qx6M=30M)

1. Custom is a habitual course of conduct observed uniformly and voluntarily. It occupies an important place in regulation of human conduct in almost all the societies. In fact, it is one of the oldest sources of law-making. Discuss.
(C.O.No.2) [Understanding]
2. Judicial decision can make a law but cannot alter it. Where a decision is taken by the higher judiciary, it is the duty of the subordinate to follow the same. Elaborate
(C.O.No.3) [Knowledge]
3. India has a single integrated system of judiciary and is one of the oldest legal systems in the world. Establish the hierarchy of courts in India depending on the tier and jurisdiction on them.
(C.O.No.3) [Knowledge]
4. Tribunals are vital in the current times as the traditional judicial system is proving to be inadequate to settle all disputes. Elucidate on the relevant amendment and constitutional provisions on tribunals in India.
(C.O.No.3) [Knowledge]
5. For proper understanding of the law, it is necessary to classify it. Explicate on classification of laws depending on the nature or subject of law.
(C.O.No.1) [understanding]

Part B [Thought Provoking Questions]

Answer all the Questions. Each Question carries 8 marks.

(5Qx8M=40M)

6. A research design includes an outline of what the researcher will do, from specifying the topic of research to the final analysis and drawing conclusions. Explicate on various aspects that are ordinarily included in a research design.

(C.O.No.4) [Understanding]

7. The power of Supreme Court to hear and decide cases is called its jurisdiction. Being the highest judicial authority in India has distinguished powers and functions. Discuss in detail.

(C.O.No.3) [Comprehension]

8. "By interpretation or construction is meant, the process by which the courts seek to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed." Enumerate on internal aids of interpretation of statutes.

(C.O.No.4) [Understanding]

9. The acting Chief Conservator of Forests Mr. X was a member of selection committee along with the Members of UPSC for selection to the post of Chief Conservator. At the same time, he was also a candidate for the post of Chief conservator. The list of selected candidates included Mr. X which created chaos amongst the other candidates. The authorities defended Mr. X on grounds that in the course of his selection he did not participate in the proceedings. But the other candidates not satisfied with the reply had decided to approach Supreme Court as Mr. X participated in the deliberations of the Selection Board when the claims of his rivals were considered.

a. Advice the candidates on the remedy available and state the provision under which they have right to approach the Supreme Court, if any.

b. Substantiate your arguments with relevant principle of natural justice. Cite appropriate case law.

(C.O.No.4) [Comprehension]

10. Arni and Bob entered into a Partnership Agreement that contained a Dispute Resolution Clause. As per the said clause, any dispute with regard to the Partnership Agreement was to be referred to arbitration in accordance with the Arbitration and Conciliation Act, 1996. Arni also executed a registered Power of Attorney (POA) in favor of all its Partners, dated 28.12.2016. In December 2019, Bob failed to abide by the terms of agreement and disputes arose. Arni filed Special Civil Suit No. 16 of 2019 in the Court of Hon'ble Civil Judge, Senior Division, Zerinia for declaration, damages, accounts and permanent injunction against Bob.

a. whether the suit is maintainable before the Hon'ble Senior Civil Judge?

b. Advice Bob on initiation of arbitration proceeding and establish the grounds on which the arbitral award can be challenged.

(C.O.No.4) [Comprehension]

Part C [Problem Solving Questions]

Answer both the Questions. Each Question carries 15 marks (2Qx15M=30M)

11. Constitutional morality in a secular polity would imply harmonization of fundamental rights, which include the right of every individual, religious denomination, or sect, to practice their faith and belief in accordance with the tenets of their religion, irrespective of whether the practice is rational or logical. The right to equality conflicted with the right to worship of devotees of Lord Ganesha, the deity of the ganeshwara temple and that the equality doctrine can override the fundamental right under the Constitution. The case wasn't just limited to ganeshwara temple but have far-reaching implications for other places of worship. It opens up the way forward for Hinduism to become even more inclusive and not a property of one caste or one sex. Constitution bench of 7 had heard the arguments and 4 of them opined that the custom as a form of "untouchability" which cannot be allowed under the Constitution. Constitution of India certainly prohibits untouchability practices in relation to lower castes, and also apply to the systemic humiliation, exclusion and subjugation faced by women. "Prejudice against women based on notions of impurity and pollution associated with menstruation is a symbol of exclusion. The social exclusion of women based on menstrual status is a form of untouchability which is an anathema to constitutional values." And 3 Hon'ble judges stated that such an exclusionary practice does not violate the right of women to visit and enter a temple to freely practice Hindu religion and to exhibit her devotion towards Lord Ganesha as the notions of rationality can't be brought into matters of religion. Thus, upheld the principles of constitution by declaring the rights of women to worship and enter the premises as that of men.

(C.O.No.1,4) [Application]

- a. List out the issues addressed by the Supreme Court in the above case.
- b. Which fundamental right is been violated in the given circumstance? Substantiate your answer with reference to the Indian Constitution.
- c. Identify the ratio decidendi from the above paragraph and quote the binding portion of the judgement.

12. Abhyaan is 16 years old. For several years, he has worked at a job after school and saved money that he plans to use to support his continued education. Abhyaan also likes computers, and one day he steps into an electronics store just to look at the new models. The salesperson promises Abhyaan that he will give him a very good deal on a new computer. Abhyaan declines, but the salesperson is very persistent. Abhyaan asks if he can call his parents to get their advice. The salesperson replies that Abhyaan must decide now because another customer wants to buy the computer. This is a lie; there is no other interested customer. The salesperson also says to Abhyaan, "You are a grown man, and a grown man must make his own decisions". Abhyaan is quiet for a moment and then says that he will buy the computer. He signs a contract promising to pay 30,000 dinar every month until he has paid the entire cost of the computer. When Abhyaan returns home, his parents are very upset. Abhyaan regrets his decision and wants to invalidate the contract.

When Abhyaan takes the computer back to the store, the salesperson refuses to accept it. He says that he thought that Abhyaan was an adult and that Abhyaan should have to pay for the computer.

Precedent: A judge in Abhyaan's town invalidated a contract in which 17 year old Devyansh promised to purchase a piece of property from an adult. The judge reasoned that the seller should have asked the buyer about his age and that the minor did not deceive the buyer by failing to volunteer this information.

Principle 1: Every person has the (legal) capacity to conclude a contract unless the law has determined his incompetence or restricted it.

Principle 2: The age of majority is eighteen years completed.

Principle 3:

i. Disposals by a rational (prudent) minor will be deemed valid if they are totally to his benefit even where his guardian has not permitted or allowed the disposals; a minor's disposals will not be valid when they are not wholly to his benefit even when the disposals have been permitted or allowed by his guardian .

ii. The age of rationality (prudence) is seven full years.

Principle 4: A valid contract is a lawful contract which is concluded by parties of full capacities and has an object susceptible of its legal consequences and its attributes are valid (proper) free of any defects.

(C.O.No.1,3,4) [Application]

- a. What are the elements and results of the rule or rules stated above?
- b. Are these results mandatory, prohibitory, discretionary, or declaratory?
- c. Use reasoning by distinguishing cases and reasoning by analogy to argue that Devyansh's case is or is not a reason to invalidate Abhyaan's contract.

				ledge							
5	Co3	2	6	knowledge							6
6	Co3	3				10	Application				10
7	Co1	4				10	Comprehensive				10
8	Co3	4				10	Comprehensive				10
9	Co4	4				10	Comprehensive				10
10	Co4	5				10	Understanding				10
10	Co1,3,4	4						15	application		15

11	Co1,4	4							15	appl icati on		15
	Total Marks											100

K =Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

Annexure- II: Format of Answer Scheme



SCHOOL OF LAW

Semester: Odd Semester 2019-20

Course Code: LAW101

Course Name: Legal Methods and Legal Reasoning

Program & Sem: BA/BBA/BCOM LL. B & 1sem

Date: 6 /1/2020

Time: 9: 30 AM to 12: 30 PM

Max Marks: 100

Weightage: 50%

Part A

(5Q x 6M = 30 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	Hierarchy of courts – jurisdiction of all courts	Hierarchy of courts – 3 M Jurisdiction – 3M	10
2	Tribunals – 42 nd amendment Act 1976 – Part IX – Article 323 A and 323 B	6M	10
3	Civil and criminal – public and private international law – municipal and international etc	Each – 1M	10
4	Custom – Types - validity	Each – 2M	10

5	Precedent – Ratio decidendi – Obiter dictum – types of precedent	Types – 3 M Precedent – Ratio and obiter – 3M	10
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Part B

(5Q x 8M = 40 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
6	Advisory – court of record – judicial review – original – appellate – writ – administrative jurisdiction	Each – 1 ½ M	20
7	Not maintainable – Notice – appointment – preliminary hearing – arguments – post hearing – award – Section 34 of Act 1996.	A - 2 M Case law – 1M Facts and Issues – 3M Reasoning – 4M	20
8	Certiorari – Art 32 – No one can be a judge in his own case – A K Kraipak v UOI	Each – 3M case – 1M	20
9	10 Aids	Each – 1M	20
10	Title- introduction- research methodology – literature review – objectives – research questions- scope – solution – analysis – conclusion – suggestions - bibliography	Each – 1M	20

Part C

(2Q x 15 M = 30Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
11	Elements of the rule – Mandatory and Prohibitory – declaratory – Similarities and differences	Each question – 5M	15
12	Right to enter the temple premises – women Article 25 and 17 4 judges opinion – upheld the principles of constitution	Each question – 5M	15