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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW**

**MAKE-UP EXAMINATION JAN - 2023**

**Course Code:** ENG1005

**Course Name:** PROFESSIONAL COMMUNICATION FOR  
LAWYERS

**Program & Sem:** LLB (ALL PROGRAMS)

**Date:** 24-JAN-23

**Time:** 9.30AM-12.30PM

**Max Marks:** 100

**Weightage:** 50 %

**Instructions:**

*(i) Read all the questions carefully and answer accordingly.*

**Part A [Memory Recall Questions]**

**Answer all the Questions. Each Question carries 2 marks.**

**(10Qx 2M=20M)**

1. What is the name of the accused in the short story 'In the Court'? (C.O .NO 4) [ KNOWLEDGE]
2. What was it the accused charged with? (C.O .NO 4) [ KNOWLEDGE]
3. What does the author say about the mental make-up of the accused? (C.O .NO 4) [ KNOWLEDGE]
4. The person in the court reading Byron's 'Cain' was (C.O .NO 4) [ KNOWLEDGE]  
a. the president    b. the secretary    c. the assistant prosecutor    d. the defense counsel
5. The prisoner's armed escort was his (C.O .NO 4) [ KNOWLEDGE]  
a. own son                      b. brother's son                      c. uncle's son                      d. none of the above
6. Who is the author of 'The Trial'. (C.O .NO 4) [ KNOWLEDGE]
7. Mention any two themes in the novel "The Trial". (C.O .NO 4) [ KNOWLEDGE]
8. The message is formulated with the set of basic tools known as \_\_\_\_\_ (Fill in the Blank). (C.O .NO 1) [ KNOWLEDGE]
9. What is Ratio Decidendi? (C.O .NO 4) [ KNOWLEDGE]
10. What is the correct format of Memo Report? (C.O .NO 2) [ KNOWLEDGE]  
a. To, From, Date, Subject, Introductory Paragraph, Main Text, Concluding Paragraph, Signature  
b. From, To, Date, Subject, Introductory Paragraph, Main Text, Concluding Paragraph, Signature  
c. To, From, Date, , Introductory Paragraph, Subject Main Text, Concluding Paragraph, Signature  
d. To, From, Subject, Date, Introductory Paragraph, Main Text, Concluding Paragraph, Signature

## Part B [Thought Provoking Questions]

Answer all the Questions. Each Question carries 10 marks.

(5Qx10M=50M)

11. How do you use the following legal Maxims (C.O .NO 3) [ UNDERSTANDING]

(a) ad hominem (b) Ubi jus ibi remedium

12. Explain the satire in Anton Chekov's short story 'In the Court' and importance of an efficient and accountable judiciary system? (C.O .NO 3) [ UNDERSTANDING]

13. How would you perceive Huld as Lawyer in novel 'The Trial'? How relevant is it to the democratic set up? (C.O .NO 4) [ UNDERSTANDING]

14. One of the pillars of Metro Project under construction collapsed killing a mother and son. You are a Public Prosecutor in the State of Karnataka. Send a Legal Notice on behalf of Govt. of Karnataka to the construction company. (C.O .NO 5) [ UNDERSTANDING]

15. Develop an argument reading the facts of the Case (C.O .NO 2) [ UNDERSTANDING]

Queen Vs Dudley and Stephen

Brief Fact Summary. The Defendants, Thomas Dudley (Mr. Dudley) and Edwin Stephens (Mr. Stephens) (Defendants) and two other gentlemen, Mr. Brooks and the victim, Richard Parker (Mr. Parker), were stranded on a boat for several days. When it appeared that the whole party would likely die of thirst and starvation, the Defendants decided to sacrifice Mr. Parker for the good of the rest.

Synopsis of Rule of Law. A person may not sacrifice another person's life to save his own.

Facts. The defendants, Mr. Brooks and the victim Mr. Parker were English seamen. The group was cast away in a storm on the high seas and was compelled to put into an open boat that had no supply of food or water. After the group had been without food for seven days and without water for five days, the Defendants spoke to Mr. Brooks about sacrificing the victim Mr. Parker to save the rest. Mr. Brooks dissented and the victim was not consulted. Mr. Dudley suggested that if no vessel was in sight the next morning, they would kill the victim. No vessel appeared the next day, so Mr. Dudley with the assent of Mr. Stephens killed the victim. The three remaining castaways fed upon the victim Mr. Parker for four days at which time a passing vessel rescued them.

Issue. Does the defense of necessity permit the killing of one person to save others?

Held. No. At the time of this case the doctrine of necessity was still largely unexplored. Much of the prevailing authority at the time spoke of necessity in terms of what is now called self-defense, i.e. taking another's life to safeguard one's own. Lord Bacon provided some authority for the existence of the defense of necessity to lesser crimes. For example, a hungry man is not guilty of larceny for stealing food. However, the Queen's Bench acknowledged that no court has ever accepted necessity as a defense to murder and for good reason. Permitting such a defense to be asserted raises poignant questions such as how does one measure the comparative values of lives and who decides such things. Further, specific to the present case, Lord Coleridge asks, "Was it more necessary to kill [Parker] than one of the grown men?" While this murder was arguably not "devilish" and even though the men probably would not have survived otherwise, Lord Coleridge held that there is never any absolute or unqualified necessity to preserve one's own life. Once such a defense is allowed, there is no telling what atrocious crimes may be justified by the excuse of necessity.

**Part C [Problem Solving Questions]**

**Answer all the Questions. Each Question carries 15 marks.**

**(2Qx15M=30M)**

16. As the Chairperson of Human Rights Commission write a Commendation Memo Report for the nomination of Mr Kishore as a member. (C.O.No.2) [APPLICATION]

17. Write an email to Rishabh Law Firm, Mumbai for Internship. Discuss your qualifications and explain how you can contribute to the firm.? (C.O.No.5) [APPLICATION]

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