


Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2018			
Course: Research Methods and Legal Writing		Course Code: CLCC 7001	Semester: I
Programme: LL.M.			
Time: 03 hrs.		Max. Marks: 100	
Instructions:			
SECTION A			
S. No.	Short notes	Marks	CO
Q 1	What do you mean by Library Research?	2.5	CO1
Q. 2	Is there any difference among problem identification, problem formulation and problem solution?	2.5	CO1
Q. 3	What do you mean by impact analysis legal research?	2.5	CO1
Q. 4	What is 'Null Hypothesis'?	2.5	CO1
SECTION B			
Q 5	Explain about Quantitative and Qualitative Research with the help of examples.	10	CO2
Q. 6	What is sampling? What are the different modes of sampling?	10	CO2
SECTION-C			
Q. 7	<p>“Deductive reasoning and inductive reasoning in the interpretation of many principles and doctrines are used in Indian Legal System”—</p> <p>How is deductive reasoning and inductive reasoning applied? Justify your answer with examples?</p>	10	CO3
Q. 8	<p>“Many authoritative writings of the jurists and academicians are always more focused in thoughts and clear with lucidity”</p> <p>In the light of above statement, explain the essentials of good legal writings?</p>	10	CO3

SECTION-D

Q. 9	<p>Case Study/Problem</p> <p>In Kaithal, Haryana, the rule of Khap panchayat prevails. They have imposed rules and restrictions on the residents of Kaithal. Sagotras i.e. people who have common clan are not allowed to marry, irrespective of the fact that sagotra marriages are legal. For women, inter-caste and inter-religious marriages are also prohibited. Girls are not allowed to have mobiles, wear jeans or talk to boys. They are prescribed to dress in a way which is “acceptable to society” as according to Khaps, western apparel encourages ‘eve-teasing’. No complaints are registered against men engaged in violence against women as the stereotype prevalent in Kaithal is that men can do no wrong and ‘women of loose morals cannot be believed’. People who violate the rules are sexually assaulted or killed. Such killings are commonly referred to as ‘honour killings’. More often, it is women who are raped and killed.</p> <p>Chitra, a 20 year old college student in Kaithal falls in love with Nicholas, a 25 year old Christian. Out of fear, she elopes with him to Sonapat where they marry under Special Marriage Act. Few days later, Chitra’s relatives abduct her. When Nicholas tries preventing the abduction, he is assaulted. He files FIRs against them. Fearing that she will be another victim of honour killings, he files a writ of habeas corpus against them under Article 32 of the Constitution in the Supreme Court and contends that Chitra’s rights under Article 19 and 21 have been violated.</p> <p>Meanwhile, a NGO named, ‘Women’s Rights Initiative’ files a writ against the Khap Panchayat alleging sex discrimination on the grounds of Articles 14, 15, 19 and 21.</p> <p>In the light of above fact, as a researcher and to support NGO named “Women’s Rights Initiative” your help is asked in drafting petition based on the doctrinal and empirical research. Prepare brief research design including statement of problem, rationale of the study, research questions, scope of the study and hypothesis to help out to the NGO named “Women’s Rights Initiative”.</p>	25	CO4
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SECTION A

S. No.	Short notes	Marks	CO
Q. 1	<p>Based on the below information convert the citation in Blue Book Uniform Citation Style.</p> <ol style="list-style-type: none"> 1. Author: M.P. Jain, V.N. Shukla and R.S. Nayak 2. Book Name: Constitutional Law 3. Edition: 5 4. Publisher: Wadhwa Publication 5. Year: 2018 	2.5	CO1
Q. 2	What do you mean by Socio-Legal Research?	2.5	CO1
Q. 3	What do you mean by impact analysis legal research?	2.5	CO1
Q. 4	What is 'Null Hypothesis'?	2.5	CO1

SECTION B

Q. 5	Explain about Participatory and Non-Participatory Research with the help of examples.	10	CO2
Q. 6	What is sampling? What are the different modes of sampling?	10	CO2

SECTION-C

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<p>Q. 7</p>	<p>“In the development of Law and legal principles Apex Court of the country has conducted fine research in recent time and brought out tremendous piece of legal research which we have seen in K.S. Puttaswamy and Navtej Singh cases”—</p> <p>In the light of above statement discuss how Supreme Court of India is bringing out path breaking interpretation of the Constitutional provisions based on doctrinal approach and socio-legal analysis?</p>	<p>10</p>	<p>CO3</p>
<p>Q. 8</p>	<p>“Many authoritative writings of the jurists and academicians are always more focused in thoughts and clear with lucidity”</p> <p>In the light of above statement, explain the essentials of good legal writings?</p>	<p>10</p>	<p>CO3</p>

SECTION-D

<p>Q. 9</p>	<p>Case Study/Problem</p> <p>Security of persons is a fundamental function of the State which can be achieved through instrumentality of criminal law.¹ Roscoe Pound commented that “a final definition of crime is impossible, because law is a living and changing thing, which may at one time be based on sovereign will and at another time on juristic science, which may at one time be uniform, and at another time give much room for judicial discretion, which may at one time be more specific in its prescription and at another time much more general.”² It is significant to note that the law of our day faces a twofold need.³ The first is the need of some restatement that will bring certainty and order out of the wilderness of precedent.⁴ The second is the need of a philosophy that will mediate between the conflicting claims of stability and progress, and supply a principle of growth.⁵ The second,</p>	<p>25</p>	<p>CO4</p>
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¹ Purushottam Dashrath Borate and Ors. Vs. State of Maharashtra, 2015 (6) SCALE 204, ¶ 23; MANU/SC/0583/2015.

² N.V. Paranjape, Criminology and Penology, (13th edn. reprinted), Central Law publications, Allahbad, (2008), at p. 6.

³ Benjamin N. Cardozo, The Growth of the Law, (2006, Reprint), Universal Law Publishing Co., Delhi, at p. 1.

⁴ *Ibid.*

⁵ *Ibid.*

though less generally appreciated, is emerging year by year to fuller recognition.⁶ Here the question remains why our criminal law should not grow with the brew of new principles, which are already in existence in Indian culture? It is difficult to define crime, which is always based on the system, community and public will. The simple thing of spitting on public places is not an offence in India but it is chargeable offence in Singapore. As new emerging reformative ideas based on restorative justice in criminal justice administration, crime is understood primarily as an offense against people within communities, as opposed to the more abstract legal definition of crime as a violation against the State. Restorative justice is an approach to bring back victims and culprits and have social interaction and circumstances to understand victims' agony. It also provides the platform for culprits/offenders to modify their behaviors. It is expected in every legal system all over the world that women and children deserve respect and protection. If we see the spirit of Indian Constitution it has facilitated equality rights for both men and women including children. But at the same time it has also provided some special protection for women and children, because of their very nature and vulnerable situation. Attitude of the society, values of the system and different religious teaching also provides solid support to achieve equality rights and protection measures. Factually, child sexual abuse has been an unseen problem in India, largely ignored in public discourse and by the criminal justice system. Until recently, child sexual abuse was not acknowledged as a criminal offence; rape was the main, if not the only, specific sexual offence against children recognized by law in India. In the absence of specific legislation, a range of offensive behaviors such as child sexual assault not amounting to rape, harassment, and exploitation for pornography were never legally sanctioned. In the past few years activists, Non-Governmental

⁶ *Ibid.*

Organizations (NGOs) and the central government's Ministry of Women and Child Development have actively engaged in helping break 'the conspiracy of silence' and have generated substantial political and popular momentum to address the issue.⁷

According to the survey sponsored by Women and Child Development Ministry and carried out by the NGO Prayas in association with UNICEF and Save the Children found out that out of interviewed 2,324 young adults between the ages of 18 and 24, almost half of whom reported being physically or sexually abused as children. More than 50% had been sexually abused in ways that ranged from rape or fondling to milder forms of molestation that included forcible kissing.⁸ This survey shows the severity of the child sexual abuse prevailing in the society despite the enabling legislations to prevent such incidents.

Protection of Children from Sexual offences, 2012 has undoubtedly made a significant contribution to tackling the problem of child sexual abuse in India. It has identified and criminalized a range of unacceptable sexual behaviours that pose a threat to children. The number of reported cases is increasing rapidly, indicating that the law has made a substantial contribution in educating the public, sensitizing the criminal justice system, and making the reporting of Child Sexual Abuse (CSA) not just acceptable, but also mandatory. The law has some unique features and is very comprehensive. However there are some major issues which are frustrating implementation in the Indian context. The major issues are poverty; illiteracy; ignorance of laws in large segment of the society; inflexibility regarding age of consent for sex under 18 years of age;

⁷ Jyoti Belur and Brijesh Bahadur Singh, *Child Sexual Abuse and the Law in India: A Commentary*, Crime Science, Springer Open Journal, at p. 1.

⁸ The Times of India, *Over 53% Children face Sexual Abuse*, <http://timesofindia.indiatimes.com/india/Over-53-children-face-sexual-abuse-Survey/articleshow/1881344.cms> (accessed on 4th May 2016).

	<p>mandatory reporting obligations; and the inexact nature of age determination.⁹</p> <p>On the basis of above background and your general awareness, prepare a synopsis for doctrinal research pointing out the following:</p> <p>Q. 1. a). Briefly prepare the statement of the problem.</p> <p>Q. 1. b). Briefly provide the review of literature based on the above theme and sources provided.</p> <p>Q.1. c). Briefly provide the objectives of the study based on above fact.</p> <p>Q. 1. d). Briefly provide specific research questions/issues.</p> <p>Q. 1. e). Briefly discuss the scope of the research.</p> <p>Q. 1. f). Briefly explore the research methodology adopted.</p> <p>Q. 1. g). Briefly provide the Hypothesis.</p> <p>Q. 1. h). Briefly provide the probable outcome.</p> <p>Q. 1. i). Provide scheme of chapters.</p> <p>Q. 1. j). Provide a suitable title for the synopsis of doctrinal research.</p>		
Q. 10	<p>Prepare the outline of petition on behalf of Mr. Sanjay Tondon based on the following fact:</p> <p>On 15th August, 1947 after struggle of freedom, India got its independence from the British Rule. In Independent India, citizens of the country guaranteed with fundamental rights. It was indeed recognition of the obligation of State to protect and uplift fundamental rights for the betterment of society. 26th January, 1950, fundamental rights came into enforcement. These rights were indeed obligation on the part of state as defined in the Indian Constitution. India adopted concept of welfare state and reflected the same in the directive principles of state policy.</p> <p>In this background, on March, 2018, Parliament of India brought the legislation named Public Order (Maintenance and Regulation) Act, 2018 that specifically stated the provision in section 5 that: “<i>Whoever will adversely comment on facebook, whatsapp and social media against the ruling government will be fined with 5000 INR at first instance and at second instance will be imposed with imprisonment upto 2 years</i>”.</p>	25	CO4

⁹ Jyoti Belur and Brijesh Bahadur Singh, Child Sexual Abuse and the Law in India: A Commentary, Crime Science, Springer Open Journal, at p. 5.

Mr. Sanjay Tondon who criticized the ruling government on whatsapp and facebook page based on the 2018, Act was charged with the offence under Section 5 and imposed with the fine of 5000 INR. The charge upon which Mr. Sanjay Tondon was imposed with the fine of 5000 INR was that Mr. Sanjay Tondon shown through facebook and Whatsapp many documents of many State Governments and many ruling parties who were not taking care of the local government. Mr. Sanjay Tondon claimed through whatsapp and facebook circulation of documents that pathetic conditions of the hygiene and environment degradation in many areas of Indian States including Delhi Union Territory is prevailing. It is disturbing the right to life of citizens of many States, Mr. Sanjay Tondon written this in his whatsapp messages and shared in every groups and his friends including facebook pages.

Mr. Sanjay Tondon challenged the 2018 Act as in violation of Article 19(1)(a) and Article 21 of Indian Constitution in Supreme Court.