

Roll No: -----

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

End Semester Examination, December, 2017

Program/course: LLM

Subject: Research Methods and Legal Writings

Code : LLMC701

No. of page/s: 5

Semester – I

Max. Marks : 100

Duration : 3 Hrs

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**Section A-**

**(Objective type / Short Answer type) -10 marks**

- Q. 1.** Questionnaire. **(2 Marks)**
- Q. 2.** Primary and secondary sources of data in doctrinal research. **(2 Marks)**
- Q. 3.** Applied Research and Fundamental Research. **(2 Marks)**
- Q. 4.** How will you write a citation/footnote of 'Book' in Bluebook Uniform Citation Style (20<sup>th</sup> edn.) based on the following information?
- a.** Second Edition of Book is in 2015.
  - b.** Book is written by Author B.T. Kaul.
  - c.** Researcher has used the data from page no. 15 of above Book.
  - d.** Book Title of above book is "Crimes and Human Rights: Challenges and Concerns".
  - e.** Book Publisher is Eastern Book Co., India.

**(2 Marks)**

- Q. 5.** What do you mean by Jurimetrics?

**(2 Marks)**

**Section B-**

**Conceptual questions -20 marks**

- Q. 5.** Discuss the significance of quantitative research and qualitative research methods in legal research. Provide suitable examples. **(10 Marks)**
- Q. 6.** What is significance of deductive method and inductive method in legal research? Illustrate your answer with suitable examples. **(10 Marks)**

**Section C-**  
**Analytical questions -20 marks**

**Q. 7.** What are the ethical and legal issues regarding plagiarism and copyright violation in India? **(10 Marks)**

**Q. 8.** “The good legal writing is writing that facilitates professional decision making by making it easier for legal readers to obtain information from legal documents”—

In the light of above statement, discuss the essentials of good legal writing pointing out structured legal writing. **(10 Marks)**

**Section D (50 marks)**  
**Problem based Question**

**Q. 9.**

Security of persons is a fundamental function of the State which can be achieved through instrumentality of criminal law.<sup>1</sup> 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.”<sup>2</sup> It is significant to note that the law of our day faces a twofold need.<sup>3</sup> The first is the need of some restatement that will bring certainty and order out of the wilderness of precedent.<sup>4</sup> 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.<sup>5</sup> The second, though less generally appreciated, is emerging year by year to fuller recognition.<sup>6</sup> Here the question remains why our criminal law should

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<sup>1</sup> Purushottam Dashrath Borate and Ors. Vs. State of Maharashtra, 2015 (6) SCALE 204, ¶ 23; MANU/SC/0583/2015.

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

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

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

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 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.<sup>7</sup>

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

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.<sup>8</sup> 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; mandatory reporting obligations; and the inexact nature of age determination.<sup>9</sup>

On the basis of above background and your general awareness, prepare a synopsis for doctrinal research pointing out the following:

**Q. i).** Briefly prepare the statement of the problem. **(05 Marks)**

**Q. ii).** Briefly provide the review of literature based on the above theme and sources provided. **(05 Marks)**

**Q. iii).** Briefly provide the objectives of the study based on above fact. **(05 Marks)**

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<sup>8</sup> 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).

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

- Q. iv).** Briefly provide specific research questions/issues. **(05 Marks)**
- Q. v).** Briefly discuss the scope of the research. **(05 Marks)**
- Q. vi).** Briefly explore the research methodology adopted. **(05 Marks)**
- Q. vii).** Briefly provide the Hypothesis. **(05 Marks)**
- Q. viii).** Briefly provide the probable outcome. **(05 Marks)**
- Q. ix).** Provide scheme of chapters. **(05 Marks)**
- Q. x).** Provide a suitable title for the synopsis of doctrinal research. **(05 Marks)**

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## Section A-

(Objective type / Short Answer type) -10 marks

Q. 1. Interview Schedule. (2 Marks)

Q. 2. Empirical research method. (2 Marks)

Q. 3. Applied Research and Fundamental Research. (2 Marks)

Q. 4. How will you write a citation/footnote of 'Book' in Bluebook Uniform Citation Style (20<sup>th</sup> edn.) based on the following information?

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Q. 5. What do you mean by Library Research?

(2 Marks)

## Section B-

Conceptual questions -20 marks

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**Section C-**  
**Analytical questions -20 marks**

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