19 (3-III) J.UPR 3·3

2015

JURISPRUDENCE

Paper : 3·3

Full Marks : 80

Pass Marks : 32

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Fill in the blanks :   1×10=10

    (a) According to _____, jurisprudence is the study of first principles of civil law. (Austin/Salmond)

    (b) According to _____, the two branches of jurisprudence are Censorial Jurisprudence and Expository Jurisprudence. (Bentham/Holland)

    (c) Kelsen described law as a _____. (formal science/normative science)

    (d) Obligation means duty _____. (*in rem/ in personam*)

(e) _____ demands emancipation, equality and liberation for women. (Feminism/Positivism)

(f) Sociological school of jurisprudence is also known as _____. (functional school/Philosophical school)

(g) _____ is the chief exponent of the Historical School of Jurisprudence. (Austin/Savigny)

(h) An example of Corporation aggregate is _____. (a company/The President of India)

(i) _____ of the Constitution of India contain the rights which are compatible with human rights. (Parts III and IV/Part III)

(j) Modern Indian legal system is _____ (mainly based on the English legal system/not at all based on the English legal system)

2. Write short notes on the following :

$2 \times 5 = 10$

(a) Grundnorm

(b) Roscoe Pound's "Jural Postulates"

(c) Jural contradictories

(d) Precedent

(e) *"Shruti"*

3. Discuss the nature and scope of jurisprudence. 12

Or

Discuss the important theories of punishment. 12

4. Explain Savigny's theory of "Volksgeist." What are the main defects of Savigny's theory ? $8+4=12$

Or

Critically examine Jeremy Bentham's Utilitarian theory. Compare Jeremy Bentham's Positivist theory with Austin's theory. $8+4=12$

5. Write an essay on American Realism. 12

Or

Write explanatory notes : (**Any two**)

$6 \times 2 = 12$

(a) Scandinavian Realism

(b)   Concept of "Social Engineering."

(c)   Concept of "Social Solidarity."

6.   Define different kinds of "Person." Explain the term "lifting the veil" and the circumstances under which "lifting the veil" is permissible.   6+6=12

Or

"Possession is nine points of the law."— Elucidate.   12

7.   Discuss the important changes which took place in the Indian legal system after the independence.   12

Or

Explain the following :

(a)   Sources of law

(b)   The concept of Dharma

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