

Total number of printed pages-4

19 (Sem-III) JUPR

2016

JURISPRUDENCE

Paper : 3-3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answers given in the brackets : $1 \times 10 = 10$

(a) "Of Law in General" was written by _____ (Savigny / Bentham)

(b) _____ called jurisprudence as formal science of positive law. (Holland / Salmond)

(c) _____ school of jurisprudence is also known as Functional school. (Realist / Sociological)

Contd.

(d) _____ divided sources of law into formal and non-formal sources of law. (Salmond/Bodenheimer)

(e) For the American Realist school, _____ are the ultimate lawmakers. (Legislatures/ Judges)

(f) Theory of 'social solidarity' was developed by _____. (Jeremy Bentham/Duguit)

(g) A time-barred debt is an example of _____. (perfect right/imperfect right)

(h) According to _____, law is the product of *Volksggeist*. (the Naturalists/ Savigny)

(i) Rights having economic significance are known as _____. (proprietary rights / positive rights)

(j) The President of India is _____. (corporation aggregate / corporation sole)

2. Write short notes on : 2×5=10

(a) Persuasive precedents

(b) Bentham's concept of sovereign

(c) Judgment *per incuriam*

(d) *Vinculum juris*

(e) Concept of *Dharma*.

3. Write a critical note on the evolution of jurisprudence. Put forward your argument in favour of jurisprudence as a dynamic science. 12

Or

Discuss the merits and demerits of important sources of law. 12

4. Critically examine John Austin's Imperative Theory of law. 12

Or

Compare John Austin's Theory with the theory of Savigny. 12

5. Explain Roscoe Pound's Theory of Social Engineering. Point out the merits and demerits of Roscoe Pound's Theory. 6+6=12

Or

Discuss HLA Hart's concept of law a system of rules. 12

6. "Rights and duties are necessarily correlative".— Elucidate.

Add a note on Austin's concept of absolute duties. $6+5=12$

Or

Distinguish between : $4 \times 3 = 12$

(a) Immediate possession and mediate possession

(b) Possession and ownership

(c) *Ratio decidendi* and *obiter dicta*.

7. Discuss how the Constitution of India has changed the Indian Jurisprudence. 12

Or

Write explanatory notes on :

(a) Jural Correlatives as per Hohfeld's Theory.

(b) Reformatory Theory of Punishment.

$6+6=12$