

2017

**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 : 1×10=10
  - (a) The term "Jurisprudentia" originated in \_\_\_\_\_. (ancient Greece/ancient Rome)
  - (b) \_\_\_\_\_ theory of punishment supports capital punishment.  
(Preventive/Deterrent)
  - (c) According to John Austin, International Law is \_\_\_\_\_.  
(Law by analogy / Law by metaphor)

Contd.

- (d) \_\_\_\_\_ described law as a normative science. (Kelson/Roscoe Pound)
- (e) According to \_\_\_\_\_ the task of law is 'social engineering'. (Bentham / Roscoe Pound)
- (f) \_\_\_\_\_ Realists are mainly concerned with judicial decisions. (Scandinavian/American)
- (g) A time-barred debt is an example of \_\_\_\_\_. (perfect right/imperfect right)
- (h) An example of corporation aggregate is \_\_\_\_\_. (the President of India/a Company)
- (i) The Supreme Court of India was established in \_\_\_\_\_. (1947/1950)
- (j) Article \_\_\_\_\_ of the Constitution of India provides for 'complete justice'. (141/142)

2. Answer the following questions : 2×5=10

- (a) What is a 'formal science'?
- (b) Why did HLA Hart call legal rules as social rules?
- (c) Write a short note on Roscoe Pound's 'jural postulates'.

- (d) What do you mean by vicarious liability?
- (e) What is "realism"?

3. Discuss the definitions of Jurisprudence as given by different jurists. Add a note on the importance of Jurisprudence. 8+4=12

**Or**

What is 'Precedent'? Discuss different kinds of precedents. Print out the situations when a precedent may not be followed by a court. 2+5+5=12

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

**Or**

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

5. Distinguish between basic ideas of American Realists and Scandinavian Realists. Write a note on the contribution of Realists towards further development of jurisprudence. 6+6=12

**Or**

Discuss the history of the Natural School of Jurisprudence. Explain the reasons behind the revival of the Natural School in the twentieth century. 8+4=12

6. Discuss Hohfeld's theory of jural relationship. 12

**Or**

Distinguish between the following :

4×3=12

- (a) Contractual Obligation and Tortious Obligation
  - (b) Movable property and Immovable property
  - (c) Civil liability and Criminal liability.
7. Discuss the important changes which took place in the Indian legal system after the independence. 12

**Or**

Write explanatory notes on :

6×2=12

- (a) Elements of possession
- (b) Merits and demerits of legislation.