

Total number of printed pages-7

19 (III) JUPR 3.3

2019

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 by choosing the appropriate answer. 1×10=10

(a) The significance of the study of Jurisprudence lies in the opportunity for lawyers to bring theory and life into focus as it concerns human thought in relation to _____. [Society/Judicial System]

(b) _____ defines jurisprudence as the 'Science of law'. [Bentham/Salmond]

Contd.

- (c) 'Legal Theory' makes _____ approach to law. [analytical/philosophical]
- (d) _____ main thesis is that the task of law is 'Social Engineering'. [Austin's / Pound's]
- (e) According to _____ realism means a movement in thought and work about law. It takes law as a means to social ends and any part of it needs constant examination for its purpose and effect. [Jerome Frank / Llewellyn]
- (f) The Pure Theory of Law is a theory of _____. [positive law / natural law]
- (g) _____ is the meaning of an act by which a certain behavior is commanded, permitted, or authorized. [Norm / Interest]
- (h) According to Von Savigny (1779-1861) - 'Law grows with the growth and strengthens with the strength of the

people and finally dies away as the nation loses its _____. [nationality/ independence]

- (i) Theories of legal realism, like positivism look on law as the expression of the will of the state, but see this as made through the medium of the _____. [Courts / Legal Philosophers]
- (j) In the case of Chiranjit Lal v. Union of India (1950) SCR 869, the Supreme Court of India observed that 'the right to property guaranteed by Article _____ means that rights, which by themselves and taken independently, are capable of being acquired, held, or disposed of as property.' [19(1)(f)/19(2)(g)]

2. Write short notes on: (**any five**) 2×5=10

(a) Scope of Jurisprudence

(b) Legal personality of a foetus

6. "Theories of legal personality are indeed fascinating in their analogy and ideologies. But they don't always provide safe guide for lawyers and judges in their daily tasks." Elucidate the statement with at least two theories of legal personality. 12

Or

What do you mean by the term 'Ownership'? Discuss various modes of acquisition of ownership with examples. 4+8=12

7. Write short notes on : **(any four)** 3×4=12

- (a) Analytical Legal Positivism
- (b) Fundamental Rights in Indian Constitution as emphasized by the Supreme Court of India in Maneka Gandhi Vs. Union of India, AIR 1978 SC 597
- (c) Concept of Truth (Satya) and Non-violence (Ahimsa)
- (d) Sadachar and Indian Constitution

- (e) Distinguish between Obligation and Liability
- (f) Idea of obligation' in Hart's theory of law

Or

"There is no one feminist approach to law or theory of law that can adequately explain the complex and multiple oppression in the legal regulation on women." Elucidate the statement and show how the various approaches differ from one another. Which approach would you like to adopt as a feminist in India ? 12