

Total number of printed pages—4

21 (7) JUPR '73

2017

JURISPRUDENCE

Paper : 7-3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks : 1×10=10

(i) According to _____, law is the body of principles recognised and applied by the state in the administration of justice.

(a) Salmond

(b) Hart

(ii) Holland defines jurisprudence as the _____ science of positive law.

(a) formal

(b) informal

Contd.

(iii) Bentham's legal philosophy is called _____.

- (a) Utilitarian individualism
- (b) Historical School

(iv) Kelson described law as _____.

- (a) normative science
- (b) informal science

(v) The task of law is 'Social Engineering'. This was the main thesis of _____.

- (a) O. W. Holmes
- (b) Roscoe Pound

(vi) _____ was one of the main exponents of Social Contract Theory.

- (a) Llewellyn
- (b) Hobbes

(vii) _____ means an effective physical control of the object.

- (a) Corpus
- (b) Animus

(viii) Gierke is the main exponent of _____ theory.

- (a) fiction
- (b) realist

(ix) Sruti is the source of _____ law.

- (a) Hindu
- (b) Muslim

(x) In Hindu legal theory, the equivalent word of law is _____.

- (a) truth
- (b) Dharma

2. Write short notes on the following :

2×5=10

- (a) Agreement
- (b) Grundnorm
- (c) Human factor
- (d) Feminist Jurisprudence
- (e) Analytical Positivism.

3. Discuss the theories of punishment. 12

Or

What is the meaning of legislation? Distinguish between legislation and precedent. 3+9=12

4. Examine the important tenets of the historical school of jurisprudence as propounded by Savigny. Can 'Volksgeist' theory be applied in India? Justify your answer. 8+4=12

Or

Critically examine Bentham's contribution to Analytical Positivism. 8+4=12

5. Discuss the origin and development of Natural Law School of Jurisprudence. 12

Or

"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". Explain. 12

6. What are the different kinds of Property? Briefly discuss. 12

Or

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

7. Discuss the concept of Dharma under Indian legal system.

"Law is the king of kings" — Explain.

8+4=12

Or

Discuss Indian concept of Natural law with special reference to Keshavananda Bharti case. 12