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23 (1) LLM-1-3

✓ 2015

**MODERN THEORIES OF  
LAW AND STATE**

Paper : 1003

Full Marks : 80

Pass Marks : 32

Time : Three hours

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

1. The term 'natural law', like positivism, has been variously applied by different people at different times. Trace out the development of "natural law" during the Greek and the Roman period. 16

Or

Write notes on the revival of Natural Law in the twentieth century. How far these ideas are incorporated in the Indian legal system? 8+8

Contd.

2. Write an exhaustive note on the contributions made by Bentham towards the development of analytical positivism. How far is his theory different from that of H.L.A. Hart? 16

Or

Critically evaluate Kelsen's Pure Theory of Law in the light of following propositions:

- Propositions of science
  - Propositions of law
  - Effectiveness of Groundnorm. 4+4+8
3. "Values are the life-blood of the law" — Dias (p.219)

Analyse the concept in the light of

- value-judgment
- textures of the law
- three major yardsticks by which conflicting interests are evaluated by Judges

Cite Supreme Court cases to support your views. 3+4+9=16

Or

Write an exhaustive note on Ronald Dworkin's Rights Thesis. What are the shortcomings of his theory? 10+6

4. What do you understand by the term "Liberty"? What are the different limitations of "Liberty"? Discuss. 4+12

Or

"Restraint of Liberty is a more deep-seated problem than power". —Dias (p.117). Elucidate with practical examples. 16

5. Jerome Hall combined positivist, naturalist and sociological study and thereby evolved 'integrative jurisprudence'. Write notes on his theory in the light of six essential features of "law". What are the main difficulties of Professor Hall's thesis. 16

Or

Evaluate the contributions made by the Indian Judiciary in evolving new sets of 'Jurisprudence, viz., compensatory jurisprudence, human rights jurisprudence, environmental jurisprudence etc. in recent years.

Support your views with the help of case laws. 16