

Total number of printed pages-4

14 (LLM-1) 13

2016

**MODERN THEORIES OF
LAW AND STATE**

Paper : 1003

Full Marks : 80

Time : Three hours

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

1. "The problem of the relation between Justice and Positive Law dominated Greek-thinking"
- W. Friedman.

Explain the above based on the contributions made by the Greek philosophers from Homer to Stoics. 16

Contd.

Or

In the process of search for absolute values based on social contract theories, make an academic assessment of the contributions of the classical natural law philosophers from H. Grotius to J.J. Rousseau. 16

Make a comparative analysis of the contributions made by Bentham and Austin towards the development of analytical positivism. How far are their theories relevant to the Indian Legal system? Explain. 16

Or

"A Theory of law must be distinguished from the law itself".

Explain the above in context to the Pure Theory of Law as formulated by Hans Kelsen.

How the effectiveness of Groundnorms is measured? 16

3. "There is a detectable priority at least as between national and social safety, sanctity of the person and property in that order. Beyond which no hierarchy is discernible".
- R.W.M. Dias.

Explain the above in the light of the concepts relating to values, value judgments, textures of law and yardsticks for measuring competing interests by the Judges while pronouncing the judgments. 16

Or

According to Ronald Dworkin Legal systems contain rules and principles. How Dworkin logically related the rules to the principles in order to make a legal system dynamic and justice oriented? What is 'fit' principle and how is it ascertained by the judiciary. 16

4. "Liberty ends where duty begins, and vice-versa" - R.W.M. Dias.

Analyse the above in terms of the criterion based on which the limits of liberty is determined. 16

Or

Jerome Hall combined positivists, naturalists and sociological studies and thereby evolved "integrative jurisprudence". Write note on his theory in the light of six essential features of "law". What are the main difficulties of Professor Hall's thesis?

16

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

Support your views with the help of case laws.

16

Or

In the modern-day global legal order, how do you define the concepts of 'justice' and "justice according to law" ?

How will you relate the concept of justice (as defined by you) to the mandate of 'Justice' as assured by the 'we the people' in the Preamble to the Constitution of India ? Explain what are the different aspects of justice, with reference to the above.

16