

Total number of printed pages-3

14 (LLM-1) 1003

2018

**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. 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

Or

The term 'natural law', like positivism, has been variously applied by different people at different times. Trace out the developments of 'natural law' during the Greek and the Roman Period.

16

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 Austin? 16

Or

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

- (a) Propositions of Science
(b) Propositions of Law
(c) Effectiveness of Grundnorm
(d) Criticism of his theory. 4x4

3. "Values are the life-blood of the law" — Dias. Analyse the concept in the light of

- (a) value judgement
(b) textures of the law
(c) three yardsticks by which conflicting interests are evaluated by Judges.

Cite Supreme Court cases to support/justify your views. 3+4+9

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 with suitable illustrations. 4+12

Or

'Restraint of Liberty is a more deep-seated problem than power' — Dias.

Elucidate the above statement with some relevant illustrations. 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 poverty jurisprudence, dalit jurisprudence, gender jurisprudence in recent years.

Support your views with the help of case laws. 16