

2019

**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. Natural law theory has a history reaching back centuries BC. Discuss the evolution of this theory in the works of at least three Greek Philosophers. Also refer to the contribution of Julius Stone, if any.

16

**OR**

Who are the chief exponents of modern classical era of Natural Law? Explain their contributions towards the growth of Natural Law.

16

Contd.

72

2. Give a vivid analysis of Bentham's concept of Positivism and compare it with that of his disciple Austin's views on Positivism. 16

OR

A theory of law should be uniform, thus Kelsen advocated general jurisprudence. What does he mean by 'propositions of law' and 'proposition of science'? Elucidate Kelsen's Pure Theory of Law with special reference to its validity and minimum effectiveness. 16

3. Professor J. Hall reunited, blended many principles, disciplines and evolved 'integrative jurisprudence'. Explain his concept of 'integrative jurisprudence'. What are the main drawbacks of Hall's theory? Explain. 16

OR

Ronald Dworkin's theory of law can be regarded as an extended development of Natural law theory. Explain his theory in the light of

- (i) the rights thesis  
(ii) the right answer thesis and  
(iii) law as integrity. 16

4. 'Abuse of Liberty is not the path to freedom or justice' — Dias  
What are the limitations of Liberty? Explain briefly at least four of them. 16

OR

"Restraint of Liberty is a more deep-seated problem than power". What are the ways that can be exercised for the restraint of Liberty? Explain with suitable illustrations. 16

5. What do you understand by the concept of 'values' and 'value judgement'? What are the textures of law upon which the value judgements may be given effect to? Explain any three yardsticks which the judges apply when they decide cases relating to competing interests. Give illustrations. 16

OR

The Indian Judiciary has evolved at a remarkable pace in the recent past. Throw some light on the various jurisprudence, especially environmental and gender aspect as evolved by the Indian Judiciary. 16