

14 (LLM-2) 2.2 LWJU

2013

LLM

Paper : 2.2

(Law and Justice)

Full Marks : 80

Time : 3 hours

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

1. Examine how Hohfeld set out his table of jural correlatives and jural opposites. Write a brief note on the concept of legal material with reference to Indian jurisprudential development in the post-independence era.

8+8=16

Or

Define power. What are the different conditions of power? Explain with illustrations. What are the cardinal principles which may be helpful as a guiding framework in working out an objective and acceptable moral code?

2+6+8=16

2. Explain how Marx described the evolution of society on the basis of the class struggle. Give a detailed account of post-Marxism relating to the dynamic socialism in India.

8+8=16

Or

"The interpretation of law as part of an economic interpretation of social evolution is a by-product of the social and political theories of Marx and Engels." (Dias)

Explain the above in context to the development in contemporary science having influence in social phenomena of the universal economic principles. How can the modern capitalist State be distinguished from primitive tribal society? Discuss with examples.

8+8=16

3. Give a brief account of the 'Social Engineering Theory' as propounded by Roscoe Pound. How far Pound's proposition is relevant to modern Indian socio-economic progress? Illustrate with examples.

16

Or

How will you justify that American Legal Realism is the contribution of analytical positivists and sociologists? Explain in

detail. What are the three essentials of Legal Realism, based on which bringing a dynamic social change is possible? 8+8=16

4. "Aristotle distinguished between 'distributive' and 'corrective' Justice."

What are the different weaknesses inherent in Aristotelian principle as discussed by Dias? Briefly discuss the five tasks of Justice.

6+10=16

Or

"Law is only one institution of social Justice in Professor Rawls' Scheme." (Dias) (p. 484)

Elucidate the above statement in the light of the first and second principles of justice of John Rawls.

8+8=16

5. Explain the Critical Race Theory in the domain of critical legal studies.

How this theory has been evolved in the developed countries with its acceptability? Explain the theory in context to Article 17 of the Constitution of India. Give reasons how far India is successful in promoting the objectives of the theory in Indian society.

8+8=16

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Or.

What do you understand by the 'internal and external morality of law' as espoused by Lon L. Fuller?

What according to Fuller are the eight requirements that consist internal morality of law?

What do you understand by the term 'a precondition of good law'?

3+3+8+2=16
