

Total number of printed pages—4

23 (Sem-2) LWJU 2-2

2016

LAW AND JUSTICE

Paper : 2002

Full Marks : 80

Time : Three 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

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 is working out an objective and acceptable moral code?

2+6+8

Contd.

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

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.

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

4. “Aristotle distinguished between ‘distributive’ and ‘corrective justice’.”

Explain the meaning of the term ‘justice’. What are the different weaknesses inherent in Aristotelian principle as discussed by Dias? Briefly discuss the *five* tasks of justice. 6+10

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 principle of justice of John Rawls. 8+8

5. Give a vivid account of the critical Legal Studies Movement demonstrating the need to integrate legal theory within social theory. Highlight its relevancy to Indian Jurisprudential thought process. 10+6

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 of internal morality of law?

What do you understand by the term 'a pre-condition of good law'? 3+3+8+2

Q. 21

Rashmi
debate
illustrate
Reason