

23 (LLM-1) 2002

2019

LAW AND JUSTICE

Paper : 2002

Full Marks : 80

Time : Three hours

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

1. Claims, Liberties, Powers and Immunities are subsumed under the term 'rights' in ordinary speech, but for the sake of clarity and precision it is essential to appreciate that this word has undergone four shifts in meaning.
 - (a) In context to Jural relation how the term 'rights' has undergone four shifts in meaning?
 - (b) Distinguish between 'claim' and 'liberty'.
 - (c) Is there any intrinsic reason as to why claims should be necessary concomitant of duties? 8+4+4=16

Contd.

OR

What do you understand by the term 'Power'? Discuss Judicial Control, Manner and Form, Historical Context and Written Constitution in the context of jurisprudential problem of power. 2+4+3+3+4=16

2. Assess the Marxism theory of Law, Economic determinism, Socialist Legality and Socialist Philosophy of Law. 16

OR

Whether Gandhian Social Order has reference to the Marxian Philosophy. How far has the production relation and control of machinery of production has influenced the Indian legal thought, more particularly after the economic liberalisation in the year 1991? 8+8=16

3. Discuss Roscoe Pound's Social Engineering concept, theory of interests and postulates of civilization. Mention the relevance of his theory in the Indian legal system. 10+6=16

OR

'Much of the critical legal endeavour is concerned with the identification of defects and concealed agendas in Law.'

Elucidate the concept of Critical Legal Studies Movement in the context of Liberalism, Formalism, Objectivism, Contextuality and Empowered Democracy. 16

4. Make a critical assessment of 'Distributive Justice' as espoused by Aristotle. What are its weaknesses? Write *at least two* tasks to be achieved in order to attain justice. Support your answer with suitable illustrations. 8+4+4=16

OR

Examine John Rawls' Philosophy of Justice, the Principles and the Priority Rule.

Can you apply this theory in Indian context? Give reasons. 16

5. Describe the Realist movement and its impact in the American Jurisprudence after 1930s.

What could be its optimal influence in the juristic mind-set and decisional law of the Supreme Court of India? 8+8=16

OR

Write a critical note on Lon Fuller's approach to law as "the enterprise of subjecting human conduct to the governance of the rules".

How he rejected the Legal Positivism's 'one-way projection of authority'?

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

How do you relate the concept of 'internal morality of law into the Modern Indian Legal System'?

4+4+4+4=16