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21 (7) JUPR 7-3

**2022**  
**( Held in 2023 )**

**JURISPRUDENCE**

Paper : 7-3

Full Marks : 80

Time : Three hours

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

1. Choose the correct option :  $1 \times 10 = 10$

(a) The \_\_\_\_\_ asserts that 'juristic persons' enjoy a real existence as group.  
[ realist theory / pure theory of law ]

(b) Legal interest \_\_\_\_\_ .  
[ can be inherited / cannot be inherited ]

(c) In jural relations, a privilege is the opposite of a \_\_\_\_\_ , and the correlative of a 'no-right'.  
[ duty / immunity ]

Contd.

- (d) The significance of the study of Jurisprudence lies in the opportunity for lawyers to bring theory and life into focus as it concerns \_\_\_\_\_ in relation to society. [human thought/jurist]
- (e) \_\_\_\_\_ defines jurisprudence as the 'Science of law'. [Salmond/Bentham]
- (f) 'Legal Theory' makes \_\_\_\_\_ approach to law. [philosophical/analytical]
- (g) \_\_\_\_\_ main thesis is that the task of law is 'Social Engineering'. [Pound's/Austin's]
- (h) The Pure Theory of Law is a theory of \_\_\_\_\_. [positive law/natural law]
- (i) \_\_\_\_\_ is the meaning of an act by which a certain behaviour is commanded, permitted, or authorized. [Norm/Interest]
- (j) Theories of legal realism, like positivism look on law as the expression of the will of the state, but see this as made through the medium of the \_\_\_\_\_. [courts/Legal philosophers]

2. Write short notes on : 2×5=10

- (a) Legal personality of a foetus
- (b) Natural Rights and Fundamental Rights
- (c) Volksgeist

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- (d) Grundnorm
- (e) Hans Kelsen and nature of international law
3. (a) What does Henry Maine mean by "from 'Status' to 'Contract'"?
- (b) Briefly explain the concept of 'State' and 'Sovereignty'.

6+6=12

Or

- (a) What do you mean by the term 'Justice'? What are the different kinds of Justice?
- (b) Distinguish between Civil and Criminal Justice.

6+6=12

4. What do you understand by concept of 'Possession'? Discuss the role of possession in legal system with examples.

4+8=12

Or

- What do you mean by the term 'Ownership'? Discuss various modes of acquisition of ownership with examples.

4+8=12

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Contd.

5. "Roscoe Pound's theory of Social Engineering proceeds on the assumption that conflicting or competing social interests can be reconciled." Elucidate the statement with examples. 12

Or

Austin conceptualizes a sovereign as being illimitable, indivisible and continuous. Critically evaluate this theory of sovereignty.

6. "Theories of legal personality are indeed fascinating in their analogy and ideologies. But they don't always provide safe guide for lawyers and judges in their daily tasks." Elucidate the statement with relevant theories of legal personality. 12

Or

Explain in brief the Hohfeldian analysis of jural relations. Define each term with examples.

7. (a) What do you mean by 'obligation'?  
(b) Explain the 'idea of obligation' in Hart theory of law.

6+6=12

Or

Discuss the origin, development and revival of 'Natural Law Theory' in 20<sup>th</sup> century. 12