

Total number of printed pages-5

63/5 (SEM-3) LL.B LLB303

2023

LAW

Paper : LLB303

(Jurisprudence)

Full Marks : 80

Pass Marks : 36

Time : Three hours

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

1. Fill in the blanks with appropriate answers given in the bracket. 1×10=10
 - (a) defined jurisprudence as the observation of thing, human and divine, the knowledge of just and unjust. (Ulpian/Salmond).
 - (b) According to, the two branches of jurisprudence are expository and censorial jurisprudence. (Bentham/Austin)

Contd.

- (c) School of jurisprudence is also known as (functional school / sociological school / realist school)
- (d) The pure theory of law is a theory of (positive law/philosophical law)
- (e) Article of the Constitution of India provides for complete justice.
(Art. 141/142)
- (f) is called the father of Jurisprudence. (Austin/Bentham)
- (g) demands emancipation, equality and liberation for women.
(Realist/Feminism)
- (h) The ambit of Art. 21 of the Constitution of India to include the right to livelihood and the right to shelter as a part of right of life was expanded in
(Maneka Gandhi case / pavement dwellers case).
- (i) 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)

- (i) of the Constitution of India provides for just and human conditions of work and maternity relief. (Art. 41/42).

2. Write short notes on : 2×5=10

- (a) Jurisprudence in the eye of law
- (b) Custom
- (c) Grundnorm
- (d) Legal Personality of Foetus
- (e) Sadachar and Indian Constitution

3. Discuss the definition of jurisprudence as given by different jurists. What according to you would be most appropriate definition of jurisprudence ? 8+4=12

Or

What do you mean by the term 'justice'? What are different kinds of justice? What is the purpose of criminal justice ?

4+4+4=12

4. Examine Jeremy Bentham's utilitarian theory. Compare Bentham's positivist theory with Austin's theory. 8+4=12

Or

‘Law grows with the growth and strengthens with the strength of the people and finally dies away as the nation loses its nationality’
— Volksgeist.

Elucidate the above statement.

12

5. Discuss briefly the development and revival of natural law in 20th century. Reflecting upon landmark cases, discuss how the concept of natural law is incorporated under Constitution of India.

8+4=12

Or

Discuss critically the theory of balancing of competing interest as expounded by Roscoe Pound.

12

6. Briefly explain Hohfeldian analysis of the concept of ‘Right’. Define each term used by Hohfeld in his analysis.

12

Or

Distinguish the following :

4×3=12

- (i) Movable and Immovable Property
- (ii) Civil and Criminal Liability
- (iii) Vested and Contingent Interest

7. Discuss the emerging trends in the Indian legal system after Independence with reference to the following : 12

- (a) Gender justice and women empowerment in India, and
- (b) the environmental jurisprudence

Or

“The Right to Life under Art. 21 of the Constitution of India includes the right to livelihood.” Elucidate your answer with the help of jurisprudential analysis of *Olga Tellis and Ors. vs. Bombay Municipal Corporation & Ors.*

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63/9 (SEM-3) LLB303

2024

LAW

Paper : LLB303

(Jurisprudence)

Full Marks : 80

Pass Marks : 36

Time : Three hours

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

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

(a) _____ is a judge's opinion or remark that is not essential to the decision and is not binding.

(Ratio decidendi/Obiter dicta/Res judicata/Stare decisis)

(b) The term "Jurisprudentia" originated in _____.
(ancient Greece/ancient Rome/ancient India/ancient Italy)

Contd.

(c) According to "Natural School" law is _____.

(created by statute/ divine origin/ created by Parliament/ created by person)

(d) According to _____ jurisprudence is "lawyers' extraversion".

(Stone/ Bentham/ Austin/ Hart)

(e) An example of corporate Aggregate is _____.

(Cooperative societies/ The President of India/ RBI Governor/ The Crown in England)

(f) Rylands v. Fletcher is the famous case of _____.

(strict liability/ absolute liability/ civil liability/ criminal liability)

(g) Etymologically what is meant by "Jurisprudence" _____. *(knowledge of law/ science of law/ legal theory/ knowledge on law books)*

(h) A time-barred debt is an example of _____.

(imperfect right/ perfect right/ absolute right/ legal right)

(i) The theory of jural relations was forwarded by _____.

(Roscoe Pound/ Hohfeld/ Austin/ Savigny)

- (j) Article _____ of the Constitution of India provides for "complete justice".
(141/142/140/136)

2. Answer the following questions : $2 \times 5 = 10$

- (a) Volksgeist
- (b) What do you mean by Roscoe Pound's "Jural Postulates" ?
- (c) Strict Liability
- (d) Custom
- (e) Feminist Jurisprudence

3. (a) Define the term 'justice'. What are the different kinds of justice ? $2+4=6$
- (b) Discuss various theories of Punishment ? $2+4=6$

Or

Define "Law". What are its different sources ? Explain the valid requirements of custom to become a source of law. $2+4+6=12$

4. Discuss Roscoe Pound's concepts of 'interests' and 'social engineering'. What are the defects of Roscoe Pound's theory ? $8+4=12$

Or

What are the different approaches of Austin, Bentham and Hart towards analytical legal positivism ? Discuss. 12

5. Contribution of Ihering, Duguit, Spencer towards Sociological School of Law. How their approaches is different than Roscoe Pound's theory ? 8+4=12

Or

Write short notes on : **(any two)** 6+6=12

- (i) Concept of Kelsen's Pure Theory of Law "Grundnorm"
- (ii) Analytical School and Historical School
- (iii) Human Rights Laws

6. Discuss the elements of Possession. Distinguish between Possession and Ownership. 6+6=12

Or

Define the terms 'rights' and 'duty'. Briefly discuss the jural relations of Hohfeld's theory ? 4+8=12

7. Discuss the important changes which took place in the Indian legal system after the independence. 12

Or

Write short notes of the following : 4×3=12

- (i) The concept of Dharma
- (ii) Immediate Possession and Mediate Possession
- (iii) Civil Liability and Criminal Liability

Total number of printed pages - 4

63/9 (SEM-3) LLB303

2025

LAW

Paper Code : LLB303

(Jurisprudence)

Full Marks : 80

Pass Marks : 36

Time : 3 hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer : 1x10=10

(a) Who among the following was the main exponent of imperative theory of law?

(i) Holland

(ii) Parkar

(iii) Duguit

(iv) Austin

(b) _____ defines a 'person' as "entity to which rights and duties may be attributed".

(i) Salmond

(ii) Gray

(iii) Paton

(iv) Pound

(c) The ownership of material objects is called _____.

(i) Corporeal

(ii) incorporeal

(iii) tangible

(iv) intangible

(d) "Having physical control over a thing constitutes possession". Who said this statement?

- | | |
|---------------|-------------------|
| (i) Salmond | (ii) Keeton |
| (iii) Austine | (iv) None of them |

(e) Who among the following regards legal personality a fiction?

- | | |
|--------------|------------------|
| (i) Austine | (ii) Keeton |
| (iii) Kelson | (iv) All of them |

(f) Which of the following is not an 'Ancient Source' of Hindu Law?

- | | |
|------------------|-------------|
| (i) Smriti | (ii) Digest |
| (iii) Precedents | (iv) Shruti |

(g) Who defined law as "the abstract expression of the general will existing in and for itself?"

- | | |
|---------------|--------------|
| (i) Friedmann | (ii) Duguit |
| (iii) Hegel | (iv) Savigny |

(h) The term 'civil law' is derived from the word _____ 'jus civile'.

- | | |
|-------------|-------------|
| (i) Latin | (ii) Roman |
| (iii) Greek | (iv) French |

(i) Who said that, "Custom is to society what law is to the state"?

(i) Keeton

(ii) Halsbury

(iii) Salmond

(iv) Bentham

(j) According to which jurist "precedent is a judge made law".

(i) Jeremy Bentham

(ii) Keeton

(iii) John Austin

(iv) Herbert Spencer

2. Write on the following:

2x5=10

(a) Grundnorm.

(b) Compare Legal History from Historical Jurisprudence.

(c) Social Engineering.

(d) Strict Liability.

(e) Concept of 'truth' in law.

3. Explain the term 'Jurisprudence'. How Salmond has categorised jurisprudence?

6+6=12

Or

Define 'State'. Explain the theories of Sovereignty.

4+8=12

4. Explain the term 'social solidarity' and its implications. How the individual interests differ from social interests as explained by Roscoe Pound? 6+6=12

Or

Explain how John Austin analyses positive law as a reaction against assumptions of natural law theory. 12

5. What do you understand by servitude? Discuss the various kinds of rights. 2+10=12

Or

Critically examine the correlation between rights and duties. Explain Hohfield's table of jural relations. 6+6=12

6. Explain various kinds of person. Discuss the legal status of unborn person under Indian law. 6+6=12

Or

Discuss the various modes of acquiring property. Distinguish between ownership and possession. 6+6=12

7. Elucidate the role of 'Dharma' in the Indian legal system. Indicate some notable post-independence developments in our legal system. 6+6=12

Or

What are the Fundamental Rights under the Constitution of India? Discuss with special reference to Maneka Gandhi vs. Union of India, AIR 1978 SC 597. 6+6=12