

Total number of printed pages—4

19 (III) JUPR 3.3

2023

JURISPRUDENCE

Paper : 3.3

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks by choosing the appropriate answer : $1 \times 10 = 10$

(a) _____ jurisprudence deals with as to what law should be and overlaps with moral and study of philosophy of government. *(Normative/Analytical)*

(b) Aristotle is often said to be the father of _____. *(Natural law/Analytical law)*

(c) _____ utilitarian theories remained dominant in law till the twentieth century. *(Bentham's/Llewellyn)*

(d) _____ main thesis is that the task of law is 'Social Engineering'. *(Pound's/Austin's)*

Contd.

(e) According to _____ realism means a movement in thought and work about law. It takes law as a means to social ends and any part of it needs constant examination for its purpose and effect.
(Llewellyn/Jerome Frank)

(f) The _____ is a theory of Positive Law.
(Pure Theory of Law/Natural Theory of Law)

(g) _____ is the meaning of an act by which a certain behaviour is commanded, permitted, or authorized. (Norm/Interest)

(h) The right in rem is the right available against _____.
(society at large/an individual)

(i) Feminist jurisprudence is a philosophy of law based on the _____.
(equality of sexes/women's rights)

(j) _____ defines Possession as, possession is the continuing exercise of a claim to the Exclusive use of an object.
(Salmond/Savigny)

2. Write short answer : $2 \times 5 = 10$

(a) Natural Rights and Fundamental Rights

(b) Legal Personality of a Foetus

(c) Legislation

(d) Roscoe Pound's 'Social Engineering'

(e) Jural Postulates

3. What do you understand by the concept of 'Justice' ? What are the various kinds of Justice ? Discuss the role played by Precedent in the administration of Justice. Refer to relevant case law. $3+3+6=12$

Or

Discuss to what extent the Indian Legal System, particularly Legislation and precedent can be used to improve the position of women in India. Refer relevant legislations and at least two case laws.

$10+2=12$

4. Discuss Austin's classification of laws. Analyse and explain the terms 'Sovereignty' and 'Independent political society' used by Austin. $5+7=12$

Or

What is Roscoe Pound's theory of 'Social Engineering' ? To what extent the theory can be applied to balance the competing interests in any given society ? Does it suffer from any defects and weaknesses in its application in a social system? Explain with the help of examples. $4+3+5=12$

5. Discuss the origin, development and revival of 'Natural Law Theory' in 20th century. 12

Or

Explain in brief the Hohfeldian analysis of jural relations. Define each term with examples. 6+6=12

6. What do you mean by the term 'Liability'? What are the different kinds of liability? Explain each kind of liability with suitable examples. 4+4+4=12

Or

Distinguish between : 6+6=12

- (a) Vicarious liability and Strict liability
- (b) Negligence and Duty of Care

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

- (a) Nature and Scope of Feminist Jurisprudence
- (b) Indian Legal System after Independence
- (c) Concept of Truth (Satya) and Non-violence (Ahimsa)

Or

Discuss the principle of law laid down by the Supreme Court in Kesavananda Bharti v. State of Kerala AIR 1973 SC 1461. 12