

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