

Total number of printed pages-6

19 (III) JUPR 3-3

2021
(Held in 2022)

JURISPRUDENCE

Paper : 3-3

Full Marks : 80

Time : Three hours

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

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

(a) The significance of the study of Jurisprudence lies in the opportunity for lawyers to bring theory and life into focus as it concerns human thought in relation to _____.

(Society / Judicial System)

(b) _____ defines jurisprudence as the 'Science of law'.

(Bentham / Salmond)

Contd.

(c) 'Legal Theory' makes _____ approach to law.

(analytical / philosophical)

(d) _____ main thesis is that the task of law is 'Social Engineering'.

(Austin's / Pound's)

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

(Jerome Frank / Llewellyn)

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

(positive law / natural law)

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

(Norm / Interest)

(h) According to von Savigny (1779-1861)—'Law grows with the growth and strengthens with the strength of the people and finally dies away as the nation loses its _____.

(nationality / independence)

(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)

(j) In the case of Chiranjitlal v. Union of India 1950 SCR 869, the Supreme Court of India observed that 'the right to property guaranteed by Article _____ means that rights, which by themselves and taken independently, are capable of being acquired, held, or disposed of as property.'

[19(1)(f)/19(2)(g)]

2. Write short notes on : 2×5=10

(a) Legal personality of a foetus

(b) Legislation

(c) Hans Kelsen and nature of international law

(d) Custom

(e) Explain Stammler's idea of justice

3. Distinguish between Civil and Criminal Justice with relevant applicable. 12

Or

Explain with examples the following terms used by Austin : 3+3+3+3=12

- (a) Sovereignty;
- (b) Subjection, and
- (c) Independent political society.

Where can you locate such sovereign in India ?

4. Do you agree that the functions of Volksgeist, in law making, in modern times is limited? Evaluate the positive and negative aspects of the concept. 2+10=12

Or

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

5. (a) What do you mean by the terms 'Legal Rights' and 'Legal Duties' ?

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

Or

"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

6. Explain the 'idea of obligation' in Hart's theory of law. Distinguish between Obligation and Liability. 4+8=12

Or

What do you understand by the concept of 'Possession'? What are the various theories supporting one or other concept of possession? Discuss the role of possession in legal system with suitable examples. 4+6+2=12

7. Write short notes on : (any four) 3×4=12

- (a) Precedent
- (b) Analytical School and Historical School

- (c) Feminist Jurisprudence
- (d) Concept of Truth (Satya) and Non-violence (Ahimsa)
- (e) Sruti and Smriti (Concepts of Dharma)
- (f) Historical School of Law

Or

Discuss the Indian concepts and perception of 'Natural Law' with special reference to Kesavananda Bharti *v.* State of Kerala AIR 1973 SC 1461.

12

Total number of printed pages-7

19 (3) JUPR 3-3

2022

(Held in 2023)

JURISPRUDENCE

Paper : 3-3

Full Marks : 80

Time : Three hours

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

1. Answer the following as directed/Fill in the blanks : 1×10=10

(a) Reformative theory of punishment can be applied to habitual offenders.

(True/False)

(b) The term 'legal theory' was coined for the first time by _____.

(Friedmann/ Salmond)

(c) According to analytical positivism, law is not the product of state.

(True/False)

Contd.

- (d) According to historical school, law is made and not found. (True/False)
- (e) According to sociological school of jurisprudence, the main function of law is to fulfill the needs of the _____.
(legislature/society)
- (f) Natural law is _____ law.
(written/unwritten)
- (g) Quasi-contractual obligations are enforced by law on equitable principles.
(True/False)
- (h) The theory of jural relations was forwarded by _____.
(Roscoe Pound/Hohfeld)
- (i) The concept of Sadachar is incorporated in the Indian Constitution under the heading 'decency and morality' under the Article _____. [12/19(2)]

- (j) The theory of legal positivism has been used by the Indian judiciary in the landmark case of _____.
(A. K. Gopalan v. State of Madras/
Bandhua Mukti Morcha v. Union of India)

2. Answer the following questions : 2×5=10

- (a) Ratio decidendi and obiter dicta
- (b) Grundnorm
- (c) Two factors that led to the emergence of sociological school
- (d) Vicarious liability
- (e) Concept of Dharma

3. "Legislation is that source of law which consists in the declaration of legal rules by a competent authority." Discuss legislation as a source of law pointing out its merits and demerits. Mention the provisions under the Indian Constitution which confess the powers of enacting legislation upon the legislature. 10+2=12

Or

Discuss critically the deterrent and reformatory theory of punishment. Give your opinion regarding the theory which should be adopted in the Indian legal system to suit its present conditions. 10+2=12

4. Critically discuss Bentham's theory of utilitarian individualism. 12

Or

"The greatest contribution of Savigny has been that he interpreted jurisprudence and law in terms of people's will—the Volksgeist and thus sowed the seeds of modern anthropological and sociological law in relation to society." Discuss the contribution made by Savigny in forwarding the theory of Volksgeist along with its limitations. How do you relate Savigny's theory of Volksgeist to the present Indian legal system? Explain.

10+2=12

5. Discuss critically the theory of balancing of competing interests as enpounded by Roscoe Pound. 12

Or

Discuss the revival of natural law in the 20th century. Reflecting upon landmark cases, discuss how the concept of natural law is incorporated under the Constitution of India. 8+4=12

6. Write short notes on : **(any two)** 6×2=12

- (a) Kinds of ownership and possession
- (b) Sources of obligation
- (c) Modes of acquiring property
- (d) Civil and criminal liability

Or

“The large number of women studying law since 1960's onwards began to question a curriculum which neglected issues of central concern to women — Rape, domestic violence, reproduction, unequal pay, sex discrimination, sexual harrassment.” In the light of the above content discuss the concept of feminist jurisprudence and the steps taken by the Indian legislature to meet the above mentioned concerns of women in India.

12

7. Discuss the emerging trends in the Indian legal system after independence with special reference to environmental jurisprudence and bonded labour in India. 12

Or

Discuss the concept of Truth (Satya), Non-violence (Ahimsa) and Right Code of Moral Conduct (Sadachar) with relevance to Indian Constitution.

Total number of printed pages-7

19 (3) JUPR 3-3

2022

(Held in 2023)

JURISPRUDENCE

Paper : 3-3

Full Marks : 80

Time : Three hours

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1. Answer the following as directed/Fill in the blanks : 1×10=10

(a) Reformative theory of punishment can be applied to habitual offenders.

(True/False)

(b) The term 'legal theory' was coined for the first time by _____.

(Friedmann/ Salmond)

(c) According to analytical positivism, law is not the product of state.

(True/False)

Contd.

- (d) According to historical school, law is made and not found. (True/False)
- (e) According to sociological school of jurisprudence, the main function of law is to fulfill the needs of the _____.
(legislature/society)
- (f) Natural law is _____ law.
(written/unwritten)
- (g) Quasi-contractual obligations are enforced by law on equitable principles.
(True/False)
- (h) The theory of jural relations was forwarded by _____.
(Roscoe Pound/Hohfeld)
- (i) The concept of Sadachar is incorporated in the Indian Constitution under the heading 'decency and morality' under the Article _____. [12/19(2)]

- (j) The theory of legal positivism has been used by the Indian judiciary in the landmark case of _____.
(A. K. Gopalan v. State of Madras/
Bandhua Mukti Morcha v. Union of India)

2. Answer the following questions : 2×5=10

- (a) Ratio decidendi and obiter dicta
- (b) Grundnorm
- (c) Two factors that led to the emergence of sociological school
- (d) Vicarious liability
- (e) Concept of Dharma

3. "Legislation is that source of law which consists in the declaration of legal rules by a competent authority." Discuss legislation as a source of law pointing out its merits and demerits. Mention the provisions under the Indian Constitution which confess the powers of enacting legislation upon the legislature. 10+2=12

Or

Discuss critically the deterrent and reformatory theory of punishment. Give your opinion regarding the theory which should be adopted in the Indian legal system to suit its present conditions. 10+2=12

4. Critically discuss Bentham's theory of utilitarian individualism. 12

Or

"The greatest contribution of Savigny has been that he interpreted jurisprudence and law in terms of people's will—the Volksgeist and thus sowed the seeds of modern anthropological and sociological law in relation to society." Discuss the contribution made by Savigny in forwarding the theory of Volksgeist along with its limitations. How do you relate Savigny's theory of Volksgeist to the present Indian legal system? Explain.

10+2=12

5. Discuss critically the theory of balancing of competing interests as enpounded by Roscoe Pound. 12

Or

Discuss the revival of natural law in the 20th century. Reflecting upon landmark cases, discuss how the concept of natural law is incorporated under the Constitution of India. 8+4=12

6. Write short notes on : **(any two)** 6×2=12

- (a) Kinds of ownership and possession
- (b) Sources of obligation
- (c) Modes of acquiring property
- (d) Civil and criminal liability

Or

“The large number of women studying law since 1960's onwards began to question a curriculum which neglected issues of central concern to women — Rape, domestic violence, reproduction, unequal pay, sex discrimination, sexual harrassment.” In the light of the above content discuss the concept of feminist jurisprudence and the steps taken by the Indian legislature to meet the above mentioned concerns of women in India.

12

7. Discuss the emerging trends in the Indian legal system after independence with special reference to environmental jurisprudence and bonded labour in India. 12

Or

Discuss the concept of Truth (Satya), Non-violence (Ahimsa) and Right Code of Moral Conduct (Sadachar) with relevance to Indian Constitution.

Total number of printed pages-4

19 (SEM-3) JURP 3-3

2024

JURISPRUDENCE

Paper : 3-3

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer : $1 \times 10 = 10$
- (a) _____ called jurisprudence as formal science of positive law.
(Holland/ Salmond)
- (b) Professional opinion is a _____ source of law.
(Legal/ Historical)
- (c) According to John Austin, international law is _____.
(law by analogy/ law by metaphor)
- (d) According to Savigny, law grows with the growth of the society and gains its strength from the society itself and finally it withers away as the nation loses its _____.
(nationality/ independence)

Contd.

(e) As per Jerome Frank, certainty of law is a myth. (True/False)

(f) American Realism is the combination of Analytical positivist and ____ approach. (Historical/ Sociological)

(g) The mental element of possession is called as _____. (animus possidendi/corpus possessionis)

(h) The _____ theory asserts that 'juristic persons' enjoy a real existence as group. (Realistic/Fiction)

(i) The provision of Article _____ of the Constitution of India is based on the principle of natural justice. (311/312)

(j) The judicial approach in _____ has been characterized as the 'high water mark' of legal positivism. (A. K. Gopalan vs. State of Madras/ Maneka Gandhi vs. Union of India)

2. Answer the following questions : 2×5=10

(a) What are the different sources of law ?

(b) What is Volksgeist ?

(c) What is 'Social Solidarity' ?

(d) What is legal personality of a foetus ?

(e) What do mean by the concept of 'Truth' (Satya) ?

3. Define jurisprudence. Discuss the nature and scope of jurisprudence. 2+10=12

OR

What do you mean by the terms "Justice" and "Administration of Justice" ? Enumerate the different kinds of justice. 2+2+8=12

4. Critically examine John Austin's contribution to Analytical Legal Positivism. Compare John Austin's theory with Bentham's theory of legal positivism. 8+4=12

OR

Discuss the concept of law propounded by H. L. A. Hart with reference to his other fundamental philosophies contributed to Analytical Legal Positivism. 12

5. "The task of law is Social Engineering" — Roscoe Pound.

Throw light on the above statement with reference to Roscoe Pound's theory of interest. What are the disadvantages of Roscoe Pound's theory of Social Engineering ? 8+4=12

OR

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

12

6. What do you mean by the concept of 'Possession' and 'Ownership'? Discuss the various modes of acquisition of ownership.

6+6=12

OR

Explain Hohfeld's concept of jural relations with diagrams. What are the different types of relations that can be found out of this concept ?

6+6=12

7. Write an exhaustive note on the relevance of Sociological Jurisprudence in the Indian Legal System with reference to judicial response on Social Interest, Protection of Bonded Labour and Child Labour.

12

OR

Write short notes on :

6+6=12

(a) Concept of Dharma

(b) Indian Legal System after independence

Total number of printed pages-7

19 (Sem-3) LLB 3-3

2025

JURISPRUDENCE

Paper : 3-3

(New Course/New Pattern)

Full Marks : 80

Pass Marks : 36

Time : Three hours

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

1. Answer the following questions : $2 \times 10 = 20$

- (a) Scope of jurisprudence.
- (b) Administration of jurisprudence.
- (c) Distinguish between Legal History and Historical Jurisprudence.
- (d) Grundnorm.
- (e) Roscoe Pound's 'Social Engineering'.
- (f) American Realism.
- (g) Feminist Jurisprudence.
- (h) Legal personality of a 'Foetus'.
- (i) Sruti and Smriti as sources of Law.
- (j) Indian concept of Natural Law.

2. Examine legislation, precedent and custom as recognised sources of law. Which of these plays the most dominant role in the Indian legal system and why? 8+2+2=12

Or

Critically discuss the major theories of punishment. Evaluate which theory is the most suitable for the modern Indian society.

8+4=12

3. Critically discuss Bentham's theory of utilitarian individualism. 12

Or

Trace the evolution of the Historical School of jurisprudence. Examine the contribution of Friedrich Carl von Savigny and his theory of 'Volksgeist' in the evolution. 6+6=12

4. Discuss the basic principles of the sociological school of jurisprudence. Evaluate the contribution of Ihering and Duguit towards the development of this school of jurisprudence.

4+4+4=12

Or

Write down the basic tenets of Natural Law School. Discuss the reflection of Human Rights in the Fundamental Rights of the Constitution of India as emphasized by the Supreme Court of India in *Maneka Gandhi vs Union of India*, AIR 1978, SC 597. 4+8=12

5. 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 the following :

4×3=12

- (a) Contractual obligation and Tortious obligation.
- (b) Movable property and Immovable property.
- (c) Ownership and Possession

6. Discuss the important changes which took place in the Indian legal system of the independence. 12

Or

Write short notes on :

- (a) Analytical legal positivism
- (b) Sadachar and the Constitution of India
- (c) Supremacy of Law over King and State in the Indian Legal System

Paper : 3-3

(Old Course/Old Pattern)

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

- (a) The term *jurisprudentia* originated in _____.
(ancient Greece/ancient Rome)
- (b) _____ theory of punishment supports capital punishment.
(Preventive/Deterrent)
- (c) The Pure Theory of Law is a theory of _____.
(Positive law/Natural law)
- (d) According to _____ law is the product of Volkgeist.
(the Natural Law School/Savigny)
- (e) For the American Realist School _____ are the ultimate lawmakers.
(Legislatures/Judges)
- (f) The Theory of 'Social Solidarity' was developed by _____.
(Jeremy Bentham/Duguit)
- (g) A time-barred debt is an example of _____.
(perfect right/imperfect right)
- (h) The idea or concept of legal possession is more or less based on the idea of _____.
(possession in fact/possession in law)

(i) The concept of 'Sadachar' is incorporated in the Constitution of India under the leading 'decency and morality' under Article _____.
[12/19(2)]

(j) The theory of legal positivism has been used by the Indian Judiciary in the landmark case of _____.
(A. K. Gopalam v. State of Madras/
Bandhua Mukti Morcha v. Union of India)

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

- (a) Sovereignty
(b) Grundnorm
(c) Duguit's concept of 'social solidarity'
(d) Natural and Artificial person
(e) Concept of Dharma

3. Discuss to what extent the legislation and precedents can be used to improve the position of women in India. Refer relevant legislation and case laws. $6+3+3=12$

Or

Discuss critically the deterrent and reformatory theory of punishment. Give your opinion regarding the theory which should be adopted in the Indian legal system to suit its present conditions. $10+2=12$

4. Discuss Bentham's theory of utilitarian individualism. What are the defects of this theory? $10+2=12$

Or

Discuss the contribution made by Savigny in forwarding the theory of 'Volksgeist' along with its limitations. How do you relate Savigny's theory of Volksgeist to the present Indian legal system? $8+4=12$

5. Distinguish between basic ideas of American Realists and Scandinavian Realists. Write a note on the contribution of Realists towards further development of jurisprudence. $8+4=12$

Or

Discuss the revival of natural law school in the 20th century. Discuss how the concept of natural law is incorporated under the Constitution of India with reference to the landmark cases. $8+4=12$

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

Write short notes on the following : $4 \times 3 = 12$

- (a) Immediate possession and mediate possession
- (b) Negligence and Duty of care
- (c) Modes of acquiring property

7. Discuss the emerging trends in the Indian legal system after independence with special reference to environmental jurisprudence and bonded labour in India. $6+6=12$

Or

Discuss the Indian concept of natural law with reference to the principle of law laid down by the Supreme Court in *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461. 12