

2013

LAW

(Jurisprudence)

Course No. 1:5

Full Marks : 100

Time : 3 hours

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

Answer questions No. 1 and any five from the rest.

1. Write explanatory notes on *any two* of the followings: (2x10)
 - a) "*Law as command of the Sovereign*"
 - b) "*Jurisprudence is the grammar of Law*".
 - c) "*Law is what the Judges declare*"

2. Discuss the contribution of the historical schools to the subject matter jurisprudence making special reference to Savigny and Henry Maine's theory (16)

3. Critically examine Kelson's "*pure theory of law*". (16)

4. What do you mean by sources of law? Discuss precedent as a source of law by explaining the term "*Ratio decidendi*" and "*obiter dicta*". What is the position of precedent in India? (4+8+4)

(Please turn over)

5. Enumerate and evaluate the practical achievement of the Natural law philosopher's by bringing out its importance in the development of modern law. (16)
6. Write short notes on *any two* of the following: (2x8)
- a) Social Engineering
 - b) Theories of the Origin of state
 - c) Theories of Punishment
7. Distinguish between: (4x4)
- a) Perfect rights and Imperfect rights
 - b) Right in rem and Right in Personan
 - c) Antecedent rights and Remedial rights
 - d) Legal rights and moral rights
8. What do you mean by legal personality? Discuss theories of corporate personality. (4+12)
9. What is possession? What are the '*corpus*' and '*animus*' theories of possession? Explain the elements of possession. (4+6+6)
10. Explain (2x8)
- a) The concept '*property*'
 - b) The term '*statutory Interpretation*'

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