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1 SEM LLB 1 JURI

2007

( July )

JURISPRUDENCE

Paper : 101

Full Marks : 80

Time : 3 hours

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

Answer *any five* questions

1. What do you mean by general jurisprudence and particular jurisprudence as classified by Austin? How would you distinguish between the two categories of jurisprudence? 8+8

Or

“Jurisprudence is as big as law—and even bigger.” (Karl Liewellyn.) Discuss. 16

2. Explain the shortcomings of Austin's Imperative Theory of Law. 16

3. (a) Explain the relationship between State and Law.
- (b) What are the primary and secondary functions of the State? 8+8
4. (a) What do you mean by stare decisis? Explain the doctrine with reference to the relevant provisions of the Constitution of India.
- (b) Distinguish between *obiter dicta* and *ratio decidendi*. (4+4)+8
5. (a) What are the essentials of legal right?
- (b) How are legal rights extinguished? 8+8
6. (a) "Ownership is a right indefinite in point of user, unrestricted in point of disposition and unlimited in point of duration." (Austin.) Discuss the attributes of ownership in the light of the above statement.
- (b) How does possession ripen into ownership? 12+4
7. (a) "In the law there may be men who are not persons; conversely there are, in the law persons who are not men." (Salmond.) Explain with examples.

(b) State the legal status of the following :

(i) Dibrugarh University

(ii) President of India

(iii) The State Bank of India

(iv) The Property of a Dead Man 8+(2×4)

8. Discuss in detail the different modes of acquisition of property as referred by Salmond.

16

Or

(a) "Negligence is the absence of such care as it was the duty of the defendant to use." Discuss.

(b) Write a note on contributory negligence with examples.

8+8

9. Write short notes on (any four) :

4×4=16

(a) Jus necessitatis

(b) Authoritative and persuasive precedent

(c) Jural postulates of Pound

(d) Possession in fact and possession in law

(e) Possessory remedies

(f) Wrongs of absolute liability