

Total number of printed pages-3

1 SEM LLB (N) 1 JURIS

2009

(DECEMBER)

JURISPRUDENCE

Paper : 101

Full Marks : 80

Pass Marks : 32

Time : Three hours

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

1. Define Jurisprudence according to Salmond. 8
- What are the purposes of jurisprudence according to him? 8
- Or*
- What is Sociological Jurisprudence? 8
- Explain the importance of this method of study of law in the present conditions of India. 8

2. Explain the comparative merits of Legislation and Precedent as sources of law. 8

What is the difference between *Ratio Decidendi* and *Obiter Dicta*? 8

Or

Distinguish between Civil and Criminal administration of justice. 8

Which theory of punishment is according to you, more suitable for Indian conditions? 8

3. "Ownership is the guarantee of the law; Possession is the guarantee of the facts. It is well to have both forms of security if possible, and indeed they normally co-exist". — Salmond. Explain the relation between ownership and possession in the light of the above statement. 16

Or

Distinguish between : (*any two*) 8×2

- (a) Legal and equitable rights
- (b) Perfect and imperfect rights
- (c) Positive and negative rights.

4. *Mens rea* is defined as “the mental element necessary to constitute criminal liability”. —
Explain. 8

What is the difference between motive and intention ?
Explain with illustration. 8

Or

“The distinction between law and morals is found in the fact that the law regulates the external relations of men, while morality governs their inner life and motivations” : Edgar Bodenheimer. Explain fully. 16

5. Distinguish between obligations arising out of contract and those arising out of torts. 16

Or

Explain the following : (*any two*) 8×2

- (a) Vicarious liability
 - (b) Absolute or strict liability
 - (c) Penal liability.
-