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**1 SEM LLB JUR 4 (NS)**

**2015**

(February)

**JURISPRUDENCE**

Paper : 1·4

*Full Marks : 80*

*Pass Marks : 32*

Time : Three hours

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

*Answer the following questions.*

1. (a) State the importance, purpose and functions of Jurisprudence. 6
- (b) State the nature and different kinds of law. 6

**OR**

- (a) State what do you mean by Administration of Justice. 6

(b) Bring out the distinction between Civil and Criminal Administration of Justice. 6

**OR**

State the distinction between Legislation Precedent and Custom as a source of law.

12

2. Various jurists belonging to the Natural Law School are Plato, Aristotle, Thomas Aquinas, Hugo, Grotius, John Locke, Charles Louis. State the nature and development of Natural Law doctrines according to the above noted jurists.

12

**OR**

State the different approaches of Austin, Bentham and Hart in respect of Analytical School. 12

**OR**

State the distinction between the Analytical School and Historical School of jurisprudence. 12

3. Distinguish *any three* with illustration of the following : 4×3=12

- (a) Rights in Re-Propria and Rights in Re-aliena
- (b) Rights in Rem and Rights in Personam
- (c) Perfect and Imperfect Rights
- (d) Positive and Negative Rights
- (e) Primary and Secondary Rights.

**OR**

Define Legal Right. State the essential elements of legal rights with illustrations. 4+8=12

**OR**

Pound's main thesis is that the task of law is Social Engineering. Explain in detail his views in this context. 12

4. Describe the Ownership according to Jurists Austin and Holland. 12

**OR**

- (a) State why law protects possession. 6
- (b) Distinguish between Possession in Fact and Possession in law with illustration. 6

**OR**

Distinguish between *any three* with illustration of the following :  $4 \times 3 = 12$

- (a) Corporeal and Incorporeal possession
- (b) Mediate and Immediate possession
- (c) Sole and Co-Ownership
- (d) Vested and Contingent Ownership
- (e) Absolute and limited Ownership.
5. (a) State the Religious view of SRUTI and SMRITI. 6
- (b) State the evolution of Indian Legal System after Independence especially in respect of
- (i) Constitution (ii) Labour Law. 6

**OR**

State the concept of Truth, Non Violence and Right, Code of Moral Conduct. 12

6. State whether the following statements are Right or Wrong : 10×1=10

- (a) Sir John Salmond terms jurisprudence as the Science of the first principles of Civil law.
- (b) A Civil proceeding if successful results in infliction of punishment from the sentence of death to fine.
- (c) The pure theory of law propounded by Hans Kelsen is the theory of Negative law.
- (d) Legislation promulgated by representative bodies is perhaps the most undesirable form of change according to Maine.
- (e) Sociological jurisprudence is strictly speaking a legal philosophy.

- (f) The chief characteristic of a legal right is its lack of recognition and protection by the legal system itself.
- (g) An owner must exercise his right of ownership in such a way as to infringe the right of other owners.
- (h) The philosophical theories of property have been critical or creative but explanatory.
- (i) Natural Law thinking has not occupied a role in the realms of ethics, politics and law from the ancient times.
- (j) The purpose of Analytical jurisprudence is not to analyse and desecrate the law of the land as it exists today.

7. Answer the following questions within  $\frac{3}{4}$  lines :

$5 \times 2 = 10$

- (a) Express views regarding Capital punishment.
- (b) State the development of Natural Law Doctrines.
- (c) State the essential characteristics of a legal right.

- (d) State the Ownership as viewed by Salmond.
- (e) State the principles of Natural Justice have an important place in modern Administrative Law.

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