

**LL.M. 1st Semester Examination, 2018**

**JURISPRUDENCE**

**Paper : 101C**

**Course ID : 12751**

**Time: 3 Hours**

**Full Marks: 80**

*The figures in the margin indicate full marks.*

*Candidates are required to give their answers in their own words  
as far as practicable.*

*Answer any four questions.*

1. "Jurisprudence is therefore not the material science of those portions of the law which various nations have in common, but the formal science of those relations of mankind which are generally recognised as having legal consequences. Jurisprudence deals rather with the various relations which are regulated by legal rules than with the rules which themselves regulate these relations." – In the light of the above statement, discuss the meaning, nature and relevance of Jurisprudence. 20
2. "Just as nature gives each man an absolute power over all his parts, likewise the social contract gives an absolute power to the body politic over all its parts. It is this power which is called sovereignty when it is directed by the general will. This absolutism is based not on fear or compulsion but on consent." – Critically analyse the Social Contract Theory and bring out its significance for the development of Natural Law. How far the contribution of Stammler and John Rawls has become effective for revival of Natural Law Philosophy? 20
3. "It is possible to imagine a society without a legislature, courts or officials of any kind. There are many studies of primitive communities which depict in detail the life of a society where the only means of social control is the general attitude of the group towards its own standard modes of behaviour in terms of the rules of obligation." Give a brief account of the Modern Trends in Analytical Positivism with special reference to Prof. H. L. A. Hart's concept of Law. Critically analyse the ideology of Prof. Hart's Primary and Secondary Rules. 20
4. "The principle according to which natural science describes its object is casualty, the principle according to which the science of law describes its object is normativity." In the light of the above statement, discuss the basic postulates of Kelsen's Pure Theory of Law. Give an appraisal of the applicability of this theory in Constitutional structure of Indian Legal System. 20
5. "Law is the sum of the conditions of social life in the widest sense of the term as secured by the power of the State through the means of external compulsion." – Critically analyse the Social Interest Theory of Ihering. How far this theory has been reflected in Indian Constitution? 20

**6.** Write Short Notes on *any two* of the followings:

10×2=20

- (a) Concept of Philosophy of Law
  - (b) Dharma: The Indian Counterpart of Natural Law
  - (c) Savigny and Historical School in Germany
  - (d) Sociological Jurisprudence and Sociology of Law
-