PARUL UNIVERSITY
FACULTY OF LAW
I-B.A/B.Com LL.B Winter 2019 – 20 Examination

Semester: 4   **Date: 10/12/2019**
Subject Code: 17300252   **Time: 10.30 am to 1.00 pm**
Subject Name: Legal Theory & Jurisprudence   **Total Marks: 60**

Instructions:
1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Answer the following questions: (Each of One mark)   **(15)**

1. Jurisprudence is the study of _____ law.
(a). Religious
(b). Moral
(c). Ethical
(d). Positive

2. Cicero was a _____ jurist.
(a). Greek
(b). Roman
(c). Chinese
(d). English

3. _____ has presented the thesis thatjurisprudence is a social engineering.
(a). Black Stone
(b). Jeremy Bentham
(c). John Stuart Mill
(d). Roscoe Pound

4. According to John Austin the subject-matter of Jurisprudence is _____ law.
(a). Positive
(b). Negative
(c). Both 'a' and 'b'
(d). Metaphysical

5. Legal Realism is the theory of law according to which 'law is the _____ of court.
(a). Wisdom
(b). Understanding
(c). Practice
(d). Weapon

6. The fair and _____ distribution of rights and obligations, is known as justice.
(a). Equal
(b). Equitable
(c). Natural
(d). Political

7 Probation is a _____ of the Administration of Criminal Justice.
(a). Kind
(b). Type
(c). Characteristic
(d). Component

8. _____ states that all the actions of human beings are controlled by twosovereigns, namely 'pain' and 'pleasure'
(a). Hedonism
(b). Utilitarianism
(c). Realism
(d). Formalism

9. The theory of Utility was propounded by _____.
(a). Roscoe Pound
(b). Jeremy Bentham
(c). Henry Maine
(d). Rawls

10. The sources of law were classified by _____ and _____.
(a). Salmond/Keeton
(b). Salmond/Austin
(c). Keeton/Austin
(d). Hobbes/Holland

11. Legislation is derived from two Latin terms, legis which means _____ and latum which means _____.
(a). Leg/Legs
(b). Law/to make
(c). Low/price
(d). Rule/Random

12. What is jurisprudence?
(a). the study of legal decisions
(b). all intellectual enquiries about law
(c.) the study of what law is
(d). Both 'a' and 'b'

13. _____ is a source of law.
(a). Media
(b). Internet
(c). Religion
(d). Precedent

14. Summa Theologicais a(n) _____ written by _____.
(a). Report/Hobbes
(b). Article/Aristotle
(c). Book/Thomas Aquinas
(d). Book/ Saint Joseph

15. Define Jurisprudence.

Q.2 Write short notes on (Each of three mark) **(15)**
1. The concept of Dharma
2. Sources of Law
3. Relationship of Jurisprudence with ethics
4. Distinction between law and morality
5. Rawl's theory of justice

Q.3 A) Explain the 8 kinds of law as given by Salmond. **(08)**

OR

A) Explain the definition of law as given by Austin, along with its criticism. **(08)**

B) Discuss the Devlin v Hart debate with reference to Homosexuality. **(07)**

OR

B) Roscoe Pound stated law as "a tool for social engineering". In the complex social realities, conflicting moralities often question the validity of certain legislations. Discuss the same in reference to homosexuality, in the background of law and morality. **(07)**

Q.4 A) Nobel Laureate Amartya Sen developed the concept of endowment-entitlement mapping in his study. He discusses 'right' in terms of 'entitlements' and 'endowments'. In light of the same, critically review the State's failure in performing its role in protecting the interests of the transgender community in India. **(07)**

B) Write a brief note on: (Any FOUR) (Each of two mark) **(08)**
1. Ownership
2. Corporate Personality
3. Possession
4. Norms and normative system
5. Feminist Jurisprudence