

PARUL UNIVERSITY
FACULTY OF LAW
I-BA/B.Com LL.B Winter 2018 – 19 Examination

Semester: 4

Subject Code: 17300252

Subject Name: Legal Theory and Jurisprudence

Date: 21/12/2018

Time: 10:30 am to 01:00pm

Total Marks: 60

Instructions:

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Start new question on new page.

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

1. Jurisprudence ” is derived from_____.
 - (a) Juris
 - (b) Prudent
 - (c) Both a and b
 - (d) None of these
2. The Statement “Law is a command of sovereign enforceable with sanction” is given by_____.
 - (a) Plato
 - (b) Strake
 - (c) Grotius
 - (d) Austin
3. According to Austin a sovereign is _____.
 - (a) The one who is habitually obeyed by other who does not obey anyone else
 - (b) Who is different than other
 - (c) Who is not different than other
 - (d) None of these
4. The Law which determine the constitution of the state is called_____.
 - (a) Domestic Law
 - (b) International Law
 - (c) Constitutional Law
 - (e) None of these
5. A crime is an act_____.
 - (a) Harmful to law
 - (b) Harmful to an individual
 - (c) Harmful to the society
 - (d) None of these
6. According to Blackstone Laws are of_____ kinds.
 - (a) 2
 - (b) 4
 - (c) 6
 - (f) None of these
7. The theories of Punishment are _____ in number.
 - (a) 2
 - (b) 4
 - (c) 6
 - (d) None of these
8. Legal sources of Law are_____ in number.
 - (a) 2
 - (b) 4
 - (c) 6
 - (d) None of these
9. Declaratory theory of precedents states that_____.
 - (a) Judges make law
 - (b) Judges do not make law
 - (c) Both a and b
 - (d) None of these

10. Persons can be_____.
- Natural and legal
 - Natural and illegal
 - Both a and b
 - None of these
11. Law is found and not made, this concept belongs to
- Sociological school
 - Historical school
 - Analytical school
 - Philosophical school
12. Meaning of the word 'Volkgeist' is
- General consciousness of the people
 - Laws prevailing in the country
 - The bunch of customs
 - The series of judge made laws
13. Who is called as father of modern sociological jurisprudence?
- Irving
 - Duguit
 - Ehrlick
 - Bentham
14. Which one is not essential for proving custom?
- Certainty
 - Consistency
 - Peaceable enjoyment
 - Written
15. Define Jurisprudence.

Q.2 Write short notes on (Each of three mark) (15)

- The concept of Dharma
- Sources of Law
- Relationship of Jurisprudence with ethics
- Distinction between law and morality
- 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)

- Ownership
- Corporate Personality
- Possession
- Norms and normative system
- Feminist Jurisprudence