

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

**Semester: 4**  
**Subject Code: 17300252**  
**Subject Name: Legal Theory & Jurisprudence**

**Date: 10/12/2019**  
**Time: 10.30 am to 1.00 pm**  
**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 that jurisprudence 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 two sovereigns, 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 \_\_\_\_\_.
- Salmond/Keeton
  - Salmond/Austin
  - Keeton/Austin
  - Hobbes/Holland
11. Legislation is derived from two Latin terms, legis which means \_\_\_\_\_ and latum which means \_\_\_\_\_.
- Leg/Legs
  - Law/to make
  - Low/price
  - Rule/Random
12. What is jurisprudence?
- the study of legal decisions
  - all intellectual enquiries about law
  - the study of what law is
  - Both 'a' and 'b'
13. \_\_\_\_\_ is a source of law.
- Media
  - Internet
  - Religion
  - Precedent
14. Summa Theologica is a(n) \_\_\_\_\_ written by \_\_\_\_\_.
- Report/Hobbes
  - Article/Aristotle
  - Book/Thomas Aquinas
  - Book/ Saint Joseph
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