



ROLL NO.

**PRESIDENCY UNIVERSITY, BENGALURU
SCHOOL OF LAW**

Max Marks: 40

Max Time: 180 Min.

Weightage: 40 %

END TERM FINAL EXAMINATION

I Semester AY 2017-18

Course: **LAW 102 JURISPRUDENCE**

18 DEC 2017

Instructions:

- i. Write legibly.
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Part A

[1Q x 10 M= 10 Marks]

1. In his essay, 'Laws as a Union of Primary and Secondary Rules', Hart criticizes Austin's theory of laws as commands and argues for a new framework which describes laws as rules. In this context, analyze Hart's theory of primary and secondary rules. **[10 M]**

Part B

[Total Marks- 15]

2. Elaborate upon the difference between historical school and analytical school **[5 M]**

OR

3. What do you mean by delegated legislation? What are its advantages and disadvantages? **[2+3 M]**

4. Define Legislation. How is it superior to precedent? **[3+7 M]**

OR

5. Compare the relative importance of Legislation with Custom and Precedent. Also, explain the advantages and disadvantages of Legislation as a source of law. **[5+5 M]**

Part C

[Total Marks- 15]

6. 'The historical school of jurists was founded by Friedrich Karl von Savigny (1779–1861). Its central idea was that a nation's customary law is its truly living law and that the task of jurisprudence is to uncover this law and describe in historical studies its social provenience'. Discuss the contribution of historical school to legal jurisprudence with special emphasis upon Savigny's theory of law.

[10 M]

OR

7. 'Sociological jurisprudence is not, strictly speaking, a legal philosophy. Rather, it is a method which attempts to use the various social sciences to study the role of the law as a living force in society and seeks to control this force for the social betterment.'- Discuss the same, in light of Sociological jurisprudence of Roscoe Pound. **[10 M]**

8. What is ratio decidendi and obiter dicta? **[5 M]**

OR

9. Define custom. What are the essentials of a valid custom? **[1+4 M]**



PRESIDENCY UNIVERSITY, BENGALURU
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Max Marks: 30

Max Time: 120 Mins

Weightage: 30 %

2015 BBA, LLB (H) V Semester
MID TERM EXAMINATION

I Semester AY 2017-2018

Course: LAW102 - Jurisprudence

6 OCT 2017

Instructions:

- i. Write legibly
-

Part A

(1Q x 10 M= 10 Marks)

1. Roman Jurist, Ulpian, defined Jurisprudence as "The observation of things human and divine, the knowledge of just and unjust." In this context elaborate upon the nature, scope and significance of Jurisprudence. (10)

Part B

(1Q x 10 M= 10 Marks)

2. "What does the mainstream of natural law theory intend by using the word 'natural' in that name for the theory? The shortest accurate answer is 'of reason,' as in 'the law of reason' or 'the requirements of reason.' - Discuss in light of universal and everlasting principles of natural school of law. (10)

Part C

(1Q x 10 M= 10 Marks)

3. John Austin followed in the theoretical footsteps of Bentham by writing *The Province of jurisprudence Determined*. Austin, however, departed from Bentham on a number of points. Critically analyze Austin's theory of 'Command of the Sovereign' in the context of a politically organized society. How does Austin deviate from Bentham's theory? (7+3)

OR

4. All social sciences stand in close connection with one another. Pointing out the relationship between jurisprudence and other social sciences, G.M Paton observed that "modern jurisprudence trenches on the fields of social science and of philosophy; it digs into the historical past and attempts to create the symmetry of a garden out of the luxuriant chaos of conflicting legal systems."

In this context, discuss the relation between –

- a. Jurisprudence and sociology (3 marks)
b. Jurisprudence and Psychology (3 marks)
c. Jurisprudence and Ethics (4 marks)