

Day : Monday
Date : 18/11/2024

W-24954-2024

Time : 02:00 PM-04:30 PM
Max. Marks : 60

N.B.:

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

Q.1 a) Why is an understanding of jurisprudential philosophies essential for judges when making decisions on complex cases?

OR

Q.1 b) Thomas Aquinas stated: "Law is nothing other than a certain ordinance of reason for the common good, promulgated by the person who has the care of the community." How does this definition align with Aquinas's view on Natural Law?

Q.2 a) Jeremy Bentham once argued that "Law is an assemblage of signs declarative of a volition conceived or adopted by the sovereign in a state." How does Bentham's utilitarian outlook inform his understanding and approach to positive law theory?

OR

Q.2 b) How can the principles for making good laws be illustrated through Lon Fuller's statement: "A total failure in any one of these eight directions does not simply result in a bad system of law; it results in something that is not properly called a legal system at all"?

Q.3 a) In discussing possession, Oliver Wendell Holmes Jr. said: "Possession is nine points of the law". How does this quote relate to the legal theory regarding possession?

OR

Q.3 b) Marx argued: "The history of all hitherto existing society is the history of class struggles." How does this quote illustrate his dialectical materialist approach towards understanding societal changes?

Q.4 a) Discuss the importance of "rule of recognition" in H. L. A. Hart's legal philosophy.

OR

Q.4 b) Referencing his concept of the Veil of Ignorance, Rawls wrote: "No one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like". Explain how this idea contributes to Rawl's approach to achieving Justice?

Q.5 "Law is simply what judges do," was claimed by a Legal Realist Jerome Frank. Elaborate on this statement in regards to Legal Realism?

OR

Q.5 'So long as we fail to discriminate between what are known in law as privileges (or liberties) and rights,' Hohfeld pointed out, 'there will continue just so long to be jural obscurity and confusion.' 'how would you explain the difference between privileges (or liberties) and rights according to Hohfeld's theory'?