



I Semester LL.M. Examination, December 2012
LEGAL THEORY

Duration : 3 Hours

Max. Marks : 80

- Instructions:** 1. Answer **all** questions.
2. Figures to the **right** indicate marks.

Q. No. 1. (a) 'Thomist approach was the first attempt to formulate general principles of natural law'. Elucidate.

OR

"Centuries later, the practical genius of Roman jurisprudence used the conception of nature based on reason to transform a rigid system into a cosmopolitan one fit to rule the world'. Examine this statement with the idea of practical use of natural law among the Romans.

Marks : 10

(b) Write a short note on :

(i) Influence of natural law on Constitutional adjudication.

OR

(ii) "Ought" and "is"

Maks :6

Q. No. 2. (a) What made you to believe that Kelsen's doctrine is perhaps the most consistent expression of positivism in legal theory.

OR

Examine the statement that 'Bentham's is generally considered to be a better theory than Austins and had Bentham's work been published in his lifetime he would have dominated English jurisprudence'.

Marks : 10

(b) Write a short note on :

(i) Laws strictly so called

OR

(ii) Primary and secondary rules.

Marks : 6

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Q. No. 3. (a) 'The movement of progressive societies has hither to been a movement from status to contract'. Explain.

OR

"The development of Post-Marxian time with reference to his dream of withering away of law and state is in opposite direction." Explain.

Marks : 10

(b) Write a short note on :

(i) Volks geist.

OR

(ii) Dialectic interpretation.

Marks : 6

Q. No. 4. (a) Critically examine the statement that 'Pound used sociology when he saw fit; he cannot be regarded as having developed a sociological theory of law'.

OR

Examine Duguits doctrine of social solidarity with relevant criticisms.

Marks : 10

(b) Write a short note on :

(i) Basic tenets of sociological school.

OR

(ii) Principle of the levers of social action.

Marks : 6

Q.No. 5. (a) 'The prophecies of what courts will do in fact, and nothing more pretentious are what I mean by law' (Holms). Discuss.

OR

"The approach of Olivecrona need not be regarded as self sufficient, but it is an invaluable corrective of some other's." Explain.

Marks : 10

(b) Write a short note on :

(i) Comparison of Scandinavian and American realism.

OR

(ii) Jurimetrics.

Marks : 6