



0153

**I Semester 2 Year LL.M. (Constitutional Law/Business and Trade Law)
Examination, December 2019
LEGAL THEORY**

Duration : 3 Hours

Max. Marks : 80

- Instructions :** 1. Answer **any five** of the following.
2. Answer should be written in **English** only.

- Q. No. 1. Analyse the contribution of Greek Philosophers for Legal Theory. Marks : 16
- Q. No. 2. "Law is a reflection of Divine Reason." Justify. Marks : 16
- Q. No. 3. What is American Realism ? Is there any difference between American Realism and Scandinavianism ? Discuss. Marks : 16
- Q. No. 4. Do you agree with the statement that "Laws are Commands of Sovereign" ? Give reason for your answer. Marks : 16
- Q. No. 5. "Law is a social mechanism, a means to further the ends of society." Elucidate the statement. Marks : 16
- Q. No. 6. Are customs a sources of Law ? Discuss with reference to historical school of law. Marks : 16
- Q. No. 7. Write note on **any two** of the following. Marks : 8x2=16
- a) Utilitarianism
 - b) Pure Theory of Law
 - c) Hegel Philosophy of Rights
 - d) Social Contract Theory.
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**First Semester LL.M. (2 Years) (IPR Laws/Constitutional Law/Business
and Trade Law) Examination, June/July 2016**
LEGAL THEORY

Duration : 3 Hours

Max. Marks : 80

Instructions: 1. Answer all questions.

2. Figures to the **right** indicate marks.

Q. No. 1. a) Classical Natural Theory has laid down foundation for modern legal system. Explain. Marks : 10

OR

Lan Fuller is different among the natural law thinkers. Comment.

b) Write short notes on 'ought' and 'is'. Marks : 6

OR

Natural law is universal law.

Q. No. 2. a) Kelson's analysis of law is based on weak and defective Grundnorm. Explain. Marks : 10

OR

"Austin theory of law is simple". Comment.

b) Write short notes on primary rules in primitive society. Marks : 6

OR

Secondary rules.

Q. No. 3. a) Critically examine Marxian notion of "class character of law" and "withering away of state and law". Marks : 10

OR

"Hegel's philosophy of dialectical idealism is better than Karl Marks". Comment.

b) Write short notes on Law is a reflection of people's spirit. Marks : 6

OR

Contribution of Sir Henry Maine.

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Q. No. 4. a) Examine Roscoe Pound's theory of interest.

Marks : 10

OR

Discuss the function of law in the society.

b) Write short notes on difference between formal law and living law.

Marks : 6

OR

Doctrine of utility.

Q. No. 5. a) American realism is a combination of the analytical positivist and sociological approach. Explain.

Marks : 10

OR

American realism tried to re-write the definition of law. Elucidate.

b) Write short notes on Judicial Activism.

Marks : 6

OR

Fact-skeptics.



First Semester LL.M. (2 Years) (IPR Laws/Const. Law/B&T Law)
Examination, December 2015
LEGAL THEORY

Duration : 3 Hours

Max. Marks : 80

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

Q. No. 1. (a) The term 'natural law' has been variously applied by different people at different times – Comment. Marks : 10

OR

Distinguish between 'natural law of method' and 'natural law of content'.

(b) Briefly explain John Locke's notion of law. Marks : 6

OR

Write a note on New-Thomism.

Q. No. 2. (a) Critically evaluate Hart's concept of law as union of primary and secondary rules. Marks : 10

OR

Critically evaluate pure theory of law of Kelron.

(b) State salient features of Austin's "Sovereign". Marks : 6

OR

Explain the meaning of positivism.

Q. No. 3. (a) Bring out the ideas of Henry Maine in respect of static and progressive societies. Marks : 10

OR

What do you mean by Marxism ?

(b) Law in the progressive society. Marks : 6

OR

Law is a reflection of people's spirit.

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Q. No. 4. (a) 'Social solidarity as a criterion of the validity of law' –
Comment.

Marks : 10

OR

Explain the essence of Ehrlich's theory of living law.

(b) Bentham's notion of utilitarianism.

Marks : 6

OR

Sociology of law.

Q. No. 5. (a) No account of realism can be complete without reference to
Karl N. Uewellyn – Comment.

Marks : 10

OR

Bring out the differences between Scandinavian Realism and
American Realism.

(b) Write a note on law from the point of view of 'The bad man'.

Marks : 6

OR

Doctrine of separation of powers.



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I Semester LL.M. Examination, June/July 2015
LEGAL THEORY
Paper – 3 : IPR, Constitution, Business and Trade

Duration : 3 Hours

Max. Marks : 80

Instructions : 1. Answer **all** questions.

2. Figures to the **right** indicate marks.

Q. No. 1. (a) (i) Examine central notion of natural law and explain briefly virtues of natural law. Marks : 10

OR

(ii) Critically examine L.L. Fullers theory of natural law.

(b) (i) Write a note on John Locke's notion of law. Marks : 6

OR

(ii) Explain salient features of John Finnis restatement of natural law.

Q. No. 2. (a) (i) Explain Bentham's definition of law as an expression of the will of the sovereign. Marks : 10

OR

(ii) Discuss how Hart's theory is only an improvement upon Austin's theory of law.

(b) (i) Write a critical note on Austin's notion of sanction. Marks : 6

OR

(ii) Explain the nature of Grund norm.

Q. No. 3. (a) (i) Examine the limitations of Von Savigny's historical school. Marks : 10

OR

(ii) Discuss the importance of Marxian theory of law in the contemporary legal philosophy.

(b) (i) Explain briefly Henry Maines contribution to jurisprudence. Marks : 6

OR

(ii) Write a note on Marxian idea of justice.

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Q. No. 4. (a) (i) Examine the virtues of Roscoe Pound's theory of social engineering.

Marks : 10

OR

(ii) Critically evaluate Duiguit's theory of social solidarity.

(b) (i) Write a note on Ihering's ideas about law.

Marks : 6

OR

(ii) Explain Bentham's notion of utilitarianism.

Q. No. 5. (a) (i) Explain American realists contribution towards reform of judicial process.

Marks : 10

OR

(ii) Examine the virtues of Scandinavian realism.

(b) Write a critical note on :

Marks : 6

(i) Jurimetrics

OR

(ii) Holme's version of realism.



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First Semester LL.M. (IPR/Const./B&T) Examination, December 2014
LEGAL THEORY

Duration : 3 Hours

Max. Marks : 80

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

Q. No. 1. (a) Critically evaluate the concept of 'Original position' enunciated by Professor John Rawls.

OR

How far the values of natural law have been embedded within the Indian Constitution ?

Marks : 10

(b) The Positivist-Naturalist debate.

OR

Neo-Thomism.

Marks : 6

Q. No. 2. (a) Critically evaluate the contribution of Jeremy Bentham under Analytical positivism .

OR

Analyze Hart's concept of law as union of primary and secondary rules.

Marks : 10

(b) Austins concept of 'command' along with its criticisms.

OR

Meaning of the word 'positivism'.

Marks : 6

Q. No. 3. (a) Critically evaluate the statement that the doctrine of Volkgeist may be successful in evolving the 'National spirit' behind law, yet it falls short of ideals.

Marks : 10

OR

How far the description of static and progressive societies by Henry Maine is justified ?

(b) The doctrine of withering away of law and state.

Marks : 6

OR

Factors responsible for the emergence of the Historical school.

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Q. No. 4. (a) Ehrlich's work was a powerful influence in inducing jurists to abandon purely abstract preoccupations and to concern themselves with the problems and facts of social life. Explain.

Marks : 10

OR

The interdependence of men is a fact, but 'social solidarity' is an ideal. Explain this statement of Duguit.

(b) Sociological jurisprudence and sociology of law.

Marks : 6

OR

Law as an instrument of social engineering.

Q. No. 5. (a) 'No account of realism can be complete without some reference of Karl N. Llewellyn. Explain.

Marks : 10

OR

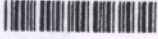
Evaluate Professor Olivecrona's contribution to Modern Realism.

(b) The character of 'Bad man'.

Marks : 6

OR

The criticisms against realist school.



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**I Semester LL.M. (IPR/Const/B&T) Degree Examination, June/July 2014
LAW AND SOCIAL TRANSFORMATION IN INDIA**

Duration : 3 Hours

Max. Marks : 80

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

Q. No. 1. (a) Discuss the role of law in social change with reference to the different models of transformation. Marks : 10

OR

Critically evaluate the common law system and its impact on development of law in India.

(b) Write short notes on : Marks : 6
Law as the product of tradition and culture.

OR

Reasons for social transformation.

Q. No. 2. (a) 'Secularism' is a positive concept of equal treatment of all religions'. Elaborate this statement with reference to decided case laws. Marks : 10

OR

Discuss the propriety of imposition of regional language as compulsory medium of instruction.

(b) Write short notes on : Marks : 6
Minorities Commission.

OR

Rajinder Sachar Committee Report.

Q. No. 3. (a) 'Crimes against women occur both within the home and outside the domestic walls'. Elucidate with reference to provisions under Indian Penal Code and Special Statutes. Marks : 10

OR

Discuss the legal framework dealing with inter-country adoption.

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- (b) Write a note on Puchta's contribution to historical jurisprudence. Marks : 6

OR

Write a note on Marxism.

- Q. No. 4. (a) Explain the main tenets of Rudolph Von Ihering's legal philosophy.

Marks : 10

OR

Discuss Duguit's theory of social solidarity.

- (b) Write a note on Indian perspectives on Sociological Jurisprudence.

Marks : 6

OR

Write a note on Montesquieu's contribution to sociological school of jurisprudence.

- Q. No. 5. (a) What is the meaning of Realism ? Explain basic features of Realist school.

Marks : 10

OR

Bring out the distinction between Scandinavian Realism and American Realism.

- (b) Write note on law from the point of view of "the bad man".

Marks : 6

OR

Write a note on Realism in the Indian context.



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I Semester LL.M. Examination, December 2013
Paper – 3 : LEGAL THEORY

Duration : 3 Hours

Max. Marks : 80

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

Q. No. 1. (a) i) What is natural law ? Explain St. Thomas Aquinas theory of natural law. Marks : 10

OR

ii) Examine social contract theories of natural law and natural rights.

(b) i) Explain briefly the idea that "an unjust law is no law". Marks : 6

OR

ii) Discuss briefly natural law as the basis of modern Human Rights.

Q. No. 2. (a) i) Examine with reference to Dworkin's criticisms on H. L. A. Hart's concept of law. Marks : 10

OR

ii) Comment on Hans Kelsen's pure theory of law.

(b) i) State salient features of Austin's theory of law. Marks : 6

OR

ii) Write a note on Bentham's notion of sanctions.

Q. No. 3. (a) i) Examine Henry Maine's contribution to anthropological school of law. Marks : 10

OR

ii) Critically examine Marxian notion of "class character of law" and "withering away of state and law".

(b) i) Write a note on Volkgeist. Marks : 6

OR

ii) Early history of law crimes.

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Q. No. 4. (a) i) Examine Roscoe Pound's theory of interests.

Marks :10

OR

ii) Discuss Eugen Erlich's contribution to sociology of law.

(b) i) Write a note on utilitarianism.

Marks : 6

OR

ii) Explain briefly the doctrine of social solidarity.

Q. No. 5. (a) i) Examine the circumstances leading to the emergence of realist movement in America.

Marks :10

OR

ii) Critically evaluate Karl Olivercrona's theory of law.

(b) i) Write a note on fact skeptics.

Marks : 6

OR

ii) Briefly explain Ross's theory of law.



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First Semester of LL.M. Examination, June 2013

LEGAL THEORY

Duration : 3 Hours

Max. Marks : 80

Instructions : 1. Answer **all** questions.

2. Figures to the **right** indicate marks.

3. Answer **one** essay type and **one** short note from **each Unit**.

Q. No. 1. (a) Influences of John Locke's philosophy of Natural law on Indian Constitution.

Marks : 10

OR

Lan Fuller is different among the natural law thinkers.
Comment.

(b) Write a short note on :

Marks : 6

Aristotelian theory of justice.

OR

Stammler's variable content of natural law.

Q. No. 2. (a) Bentham was mainly interested in law reform and he distinguished censorial jurisprudence from expository jurisprudence. Explain.

Marks : 10

OR

Hart has wasted too much ink in the process of defining the law. Discuss.

(b) Write a short note on :

Marks : 6

Kelson's Grund norm.

OR

Austin's view on international law.

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Q. No. 3. (a) "Law is found but not made", is philosophy of savigny.
Explain.

Marks : 10

OR

"The dictatorship of the proletariat is said to represent the highest form of democracy possible in class society". Explain the comments of Dias on Karl Marx theory.

(b) Write short note on :

Marks : 6

Hegel's dialectic process.

OR

Contribution of Sir Henry Maine.

Q. No. 4. (a) Discuss the functions of law in the society.

Marks : 10

OR

Criticism of social engineering theory of Roscoe pound.

(b) Write short note on :

Marks : 6

Measurement of pain and pleasure is a crude methodology.

OR

Difference between formal law and living law.

Q. No. 5. (a) American realism is a combination of the analytical positivist and sociological approach. Explain.

Marks : 10

OR

Frank's view of law is either actual or probable attracted lot of criticisms from traditional jurist. Discuss.

(b) Write short note :

Marks : 6

Judicial Activism.

OR

Doctrine of separation of power.

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 hitherto 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) Volksgeist.

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 Duguit's 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' (Holmes). 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



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First Semester of LL.M. Examination, June 2011

LEGAL THEORY (Course – III)

Duration : 3 Hours

Max. Marks : 80

Instruction : 1) Answer **all** questions.
2) Figures to the **right** indicate marks.

Q. No. 1.(a) "Aristotelian philosophy of law is more realistic and practical than Plato" Comment.

Marks : 10

OR

'Classical law of nature jurists tended to favour the elaboration of system of concrete and detailed rules which were belived to be directly deducible from human reason'. Explain.

(b) Write a short note on :

Marks : 6

Fuller inner morality of law.

OR

Hart's minimum content of natural law.

Q. No. 2.(a) 'Jeermy Bentham is considered truly father of modern jurisprudence'. Discuss.

Marks : 10

OR

Critically examine the pure theory of law.

(b) Write a short note on :

Marks : 6

Primary rules in primitive society.

OR

Austin's view on international law, custom and constitutional law.

Q. No. 3.(a) Explain the doctrines of Karl Marx's theory.

Marks : 10

OR

"Hegel's philosophy of dialectical idealism is better than KarlMarx".
Comment.

(b) Write a short note on :

Marks : 6

Law is a reflection of peoples spirit.

OR

Contribution of Sir Henery Maine.

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Q. No. 4.(a) "Social solidarity as a criterion of the validity of laws".

Elaborate the statement.

Marks : 10

OR

"The aim of social engineering is to build as efficient structure of society as possible, which requires the satisfaction of the maximum of wants with minimum of friction and waste". Critically examine the theory.

(b) Write a short note on :

Marks : 6

Theory of utility.

OR

Ehrlich's living law.

Q. No. 5.(a) "American realism is a combination of the analytical positivism and sociological school". Explain.

Marks : 10

OR

Does Judge interpret the law or makes the law ? Support your view with reasons.

(b) Write a short note on :

Marks : 6

Contribution of Karl Lelewellyn.

OR

Fact skeptics.



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First Semester of LL.M. Examination, January 2011
LEGAL THEORY (Course – III)

Duration : 3 Hours

Max. Marks : 80

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

Q. No. 1. (a) Classical Natural theory has laid down foundation for modern legal system. Explain.

OR

“Menaka Gandhi case ratio decidendi suggested that there are certain higher principles as doctrines to which positive law must subscribe” – Comment.

Marks : 10

(b) Short notes :

Stoic philosophy.

OR

Saint Thomas Aquinas's Kinds of Law

Marks : 6

Q. No. 2. (a) “Hart's concept of law puzzled every one” – Discuss.

OR

Bentham's theory of law is more practicable utility than Austin's theory of law. Explain.

Marks : 10

(b) Short notes :

Criticisms of pure theory.

OR

Hart's comments on sovereign of Austin.

Marks : 6

Q. No. 3. (a) Discuss the difference between Hegel and Karl Marx in respect of idea and reality.

OR

Explain the reasons for the failure of socialist theories of law.

Marks : 10

(b) Write short notes :

Criticisms of volksgeist.

OR

Whether today's progressive society is based on status to contract or contract to status ?

Marks : 6

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Q. No. 4. (a) "Law is a means of balancing various conflicting interests in the society". Discuss.

OR

"Principle of Utility is Crude Methodology". Explain

Marks : 10

(b) Write short notes :

Social solidarity

OR

Ihering's Law's are means to end.

Marks : 6

Q. No. 5. (a) Critically examine the Frank's actual law and probable law.

OR

"American realistic theory is distinctive and empirical one" –
Comment.

Marks : 10

(b) Short notes :

Bad Man's view on law.

OR

Lundstedt's view on Law.

Marks : 6



First Semester LL.M. Examination, June 2010
LEGAL THEORY (Course – III)

Duration : 3 Hours

Max. Marks : 80

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

Q. No. 1. (a) Discuss the main characteristic features of Natural law. Marks : 10

OR

“Indian jurisprudence is as old as humanity it self” – Comment and analyse the vedic conception of law.

(b) Write a note on St. Thomas Aquinas’s four fold classification of laws. Marks : 6

OR

Write a note on social contract doctrine.

Q. No. 2. (a) Critically evaluate Kelson’s theory of pure science of law. Marks : 10

OR

Compare and contrast analytical positivism of Austin and Hart.

(b) Write a note on Jeremy Bentham’s views on ‘Law’. Marks : 6

OR

Write a note on positivist approach of the supreme court in the Habeas Corpus Case.

Q. No. 3. (a) Explain the criticism against Savigny’s theory of law. Marks : 10

OR

“Marx was in many ways a major historic figure of the 19th century, whose long shadow still falls across the world of 21st century” – Comment with reference to economic theory.

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- (b) Write a note on Lenin's economic views.

Marks : 6

OR

Write a note on Gorbachev's 'Perestroika' and 'Glassnost'.

- Q. No. 4. (a) Roscoe Pound added new dimensions to sociological school of jurisprudence – Discuss with reference to the contribution of Roscoe Pound to sociological school of jurisprudence.

Marks : 10

OR

Explain the essence of Ehrlich's theory of living law.

- (b) Write a note on the doctrine of Social solidarity.

Marks : 6

OR

Write a note on Pounds theory of social engineering.

- Q. No. 5. (a) Discuss the contribution of Axel Hage reforms and Lundstedt to Realist School of jurisprudence.

Marks : 10

OR

Discuss the contribution of Jerome Frank and Oliver Windell Holmes to Realist School of jurisprudence.

- (b) Write a note on Golak Nath V State of Punjab with reference to Realism in interpretation of the constitution.

Marks : 6

OR

Write a note on criticism against Realism.



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First Semester LL.M. Examination, January 2010
LEGAL THEORY (Course – III)

Duration : 3 Hours

Max. Marks : 80

Instructions : 1. Answer all questions.

2. Figures to the right indicate marks.

- Q. No.1. (a) 'Natural law theory ideas were used for a very different purpose by the social contractualists as a justification of claim to unlimited authority' – Elucidate.

Marks : 10

OR

'Reason, a universal force pervading the whole cosmos, was considered by the stoics as the basis of law and justice' – Elucidate.

- (b) Write short note on :

Marks : 6

Lex injusta non est lex.

OR

Jus Gentium.

- Q. No.2. (a) 'Analyze the statement that, 'Austin's theory of law, although is remained almost unnoticed during his lifetime, later gained a great influence on the development of English jurisprudence'. Marks : 10

OR

'Only norms can validate a source of law, not social facts like popular acceptance or actual use' – Explain.

- (b) Write short note on :

Marks : 6

Rules of recognition.

OR

Bentham's attributes of sovereignty.

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- Q. No.3. (a) 'In his revolt against the lack of historical sense in the characterization of law, Savigny swung the pendulum of legal thought too much the other way' analyze this statement with reference to the limitations of doctrine of Volksgeist.

Marks : 10

OR

'Law and the state in capitalist societies together form an apparatus of compulsion wielded by the minority to oppress and exploit the working majority' (Marx) – Explain.

- (b) Write short note on :

Marks : 6

The racial theory of law.

OR

Static and progressive societies.

- Q. No.4. (a) 'The centre of gravity of legal development lies not in legislation nor in juristic science, nor in judicial decision, but in society itself' (Ehrlich) – Explain.

Marks : 10

OR

'Sociological jurisprudence should ensure that, the making, interpretation and application of laws take account of social facts' – Explain.

- (b) Write short note on :

Marks : 6

Pound's classification of interests.

OR

Duguit's idea of the State, Sovereignty and Law.

- Q. No.5. (a) Critically examine the statement that 'Heglerstrom has been referred to as the 'spiritual father' of the Scandinavian realist movement and others in the movement took up his ideas and built upon them.

Marks : 10

OR

Ross has provided what is generally regarded as a better developed explanation of law than that of his colleagues in the Scandinavian school. Evaluate the contribution of Ross.

- (b) Write short note on :

Marks : 6

Rule skeptics and fact skeptics

OR

'Situation sense'.