



0153

First Semester LL.M. Examination, June/July 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) 'Natural law terminology tends to obscure the possibility of criticising law on other than purely moral grounds'. – Elucidate Marks : 10

OR

When we say natural law it is not one theory but many versions that have evolved throughout enormous span of time – Elucidate.

(b) Write a note on : Marks : 6

The ancient Indian thoughts on natural law.

OR

The relevant criticisms against St. Thomas Aquinas.

Q. No. 2. (a) Austin was seeking to provide a means of identifying a law for the purpose of moment but to link this with the means of securing obedience through sanction has led to confusion as fear of sanction is not the sole or even principal motive for obedience. Explain. Marks : 10

OR

Kelsen sought to expel ideology of every description from the concept of law and attempted to present a picture of law austere in its abstraction and severe in its logic. – Elucidate.

(b) Write a note on : Marks : 6

Difference between primary and secondary rules.

OR

Meaning of positivism.

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Q. No. 3. (a) Trace out the ideas of Sir Henry Maine in respect of static and progressive societies.

Marks : 10

OR

Examine the idea that the nature of any particular system of law is the reflection of the spirit of the people who evolved it.

(b) Write a note on :

Marks : 6

What are the inferences from Marxism ?

OR

Gierke's idea of fraternal collaboration and domination.

Q. No. 4. (a) Ihering proposed for the harmonisation of the individual and social interests, but did not elaborate how it was being done. – Explain.

Marks : 10

OR

Duguit emphasised the duties of the individuals towards society almost to the exclusion of individual rights – Elucidate.

(b) Write a note on :

Marks : 6

Pound's classification of interests.

OR

Ehrlich concept of living law.

Q. No. 5. (a) Explain the nine principal features of realist approach outlined by Karl Llewellyn.

Marks : 10

OR

Examine the contribution of Jerome Frank towards realist jurisprudence.

(b) Write a note on :

Marks : 6

Holm's conception of Bad Man.

OR

Hegerstrom's theory of Vinculum Juris.
