West Bengal Judicial Service (Mains) 2020

Jurisprudence and Principles of Legislation · optional paper

Time: 3 hours · Full marks: 100 · Answer any five questions taking at least two from each group

Group A

1. Define jurisprudence. Discuss the nature and scope of jurisprudence. (20)

2. Salmond defines "Jurisprudence as the science of law" — Explain. State the utility and the significance of Jurisprudence. (10+10)

3. What are the essential elements of a legal right? How such rights are enforced? (15+5)

4. What is the nature of precedent? Discuss the circumstances which destroy or weaken the binding force of precedent. (5+15)

Group B

5. "Ownership is a right indefinite in point of user, unrestricted in point of disposition and unlimited in point of duration" (Austin). Write a critical note on Austin's definition of ownership. (20)

6. Law is a social engineering balancing between social, public and private interest. — Roscoe Pound: Critically examine the above statement with examples. (20)

7. Discuss the theories regarding transformation of custom into law. What is the present position of the customary law? (15+5)

8. Write short notes on: (a) Doctrine of "Jus tertii"; (b) Subordinate legislation; (c) Legal status of unborn person; (d) Decision reached "per incuriam" (5×4=20)