West Bengal Judicial Service (Mains) 2021

Jurisprudence and Principles of Legislation · optional paper

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

Group A

1. (a) "Law may be defined as the body of principles recognised and applied by the state in the administration of Justice." — Critically examine the nature of law as defined by Salmond.
(b) What is the merit of the theory of law as propounded by Austin? (12+8=20)

2. (a) What are the ends of Criminal Justice? Substantiate your answer with various theories of Criminal Justice.
(b) What according to you should be the ideal form of Criminal Justice? (15+5=20)

3. (a) What do you mean by the term 'Legislation'? Distinguish between Supreme Legislation and Subordinate Legislation.
(b) Why legislation is superior to other sources of law? (12+8=20)

4. "International Law is the body of principles and rules which civilised states consider as binding upon them in their mutual relations." — Discuss the nature of international law. Can it be said that international law is the vanishing point of Jurisprudence? (15+5=20)

Group B

5. (a) What are the characteristics of 'Natural person' and 'Juristic person'?
(b) State the legal status of the following: (i) Dead man; (ii) An idol (10+(5+5)=20)

6. "Salmond refers to seven kinds of legal rights by reference to their objects." — State the classification of rights according to their objects. (20)

7. (a) What are the requisites of valid custom?
(b) Distinguish between custom and prescription. (12+8=20)

8. Write short notes on: (a) Mixed question of Law and Fact; (b) Rights in re propria and rights in re aliena; (c) Obiter Dictum; (d) Duplicate possession (5×4=20)