

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Jurisprudence**
Semester- II (Batch: 2022-27)

End Semester Examination: May 2023

Date: 05th May, 2023

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 800-900 words, 5 Marks: 400-450 words.

Answer **any five** from the following questions.

Marks

- Q.1 Positivists say that International Law cannot qualify to be a true law, as it lacks sovereign authority and it does not possess any institutionalized method of sanction. However, this stand is countered by an argument that there is legislation in the form of multilateral treaties and there is sanction in the form of self-help and war. However, here the diluting point is that treaties bind only the consenting states and the method of self-help or war can hardly be said to be an institutional method. Do you agree with the views of positivists? Examine in the light of the present Russia and Ukraine war. (10)
- Q.2 “Law may be conceived as a wisdom of the wise men of old, who had learned the safe course or the divinely approved course for human conduct. Law may also be conceived as a philosophically discovered system of principles which express the nature of things, to which, therefore, man ought to conform his conduct.” Elucidate the relevance of the above mentioned proposition with reference to nature, value and scope of jurisprudence. (10)
- Q.3 Total obedience to an absolute Sovereign power is the essence of the Social Contract. Law is in reality, the command of that Sovereign power and requires an unchallenged ability to enforce it. Remove that ability and a covenant becomes mere words. The governing body’s powers should be limited to what is necessary for the good of society. The contract bestows no arbitrary powers upon the government, because nobody can transfer to another more power than he has in himself and nobody has an absolute and arbitrary power over himself or over anybody. Discuss the application of the above mentioned version in the light of present national and international context with relevant thinkers and illustrations? (10)
- Q.4 The ‘Historical Movement’ in jurisprudence reflects the belief that a deep knowledge of the past is essential for a comprehension of the present. A study of existing legal institutions and contemporary legal thought demand, an understanding of historical roots and patterns of development. In this connection two jurists’ views are selected for comment. According to one view law as reflecting people’s historical experience, culture and spirit. For its ancient customs guide the law, growth of legal principles is evidence of ‘silently operating forces’ and not the result of deliberate decisions. Second view suggests that legal ideas and institutions have their own course of development and that evolutionary patterns of growth may be deduced from historical evidence. With (10)

reference to the above mentioned proposal evaluate the views of above jurists in detail in the present Indian context.

- Q.5 For some jurists, the essence of law is to be discovered in the enunciation, interpretation and protection of rights. They view “rights are more than norms, or expectations, or standards of conduct. They are rules which define the boundaries of what is ‘owed’ to a specified group of people (the right holders) by another group (the right respecters), rights may be demanded and enforced; they are therefore part of our system of permissions and requirements.” (10)

In the light of the above mentioned pattern in brief deliberate on the classification/kinds of legal rights

- Q.6 Write short note on the following: (5x2=10)
- a) Essential elements of possession
 - b) Stoicism
