

QP Code : 23424

[Time : 3 Hours]

[Total Marks : 100]

- N.B :** 1. Answer all questions.
2. Total marks for questions are indicated in the right end.

1. Answer all questions in **one** or **two** sentences :— 20
- (a) Define *Obiter Dicta*.
 - (b) What is subordinate legislation ?
 - (c) Define servitude.
 - (d) Kelson's contribution to legal theory
 - (e) What are trusts ?
 - (f) What kind of justice is reflectd in Art. 17 of the Indian Constitution ?
 - (g) What are positive laws ?
 - (h) Explain two important benefits of studying jurisprudence.
 - (i) Define obligation.
 - (j) What are right-in-rem ?
2. Write short notes on any four :— 20
- (a) Social engineering
 - (b) Customs and usages
 - (c) Agreements
 - (d) Functions of law
 - (e) Kinds of precedents
 - (f) Sources of obligation.
3. Answer any **two** :— 12
- (a) Raja owns a wooden table with drawers. He left it to repair with the carpenter Shyam. Shyam discovered money in one of the drawers and appropriated it for his own personal use. Raja was not aware of the money in the drawer. Shyam was punished for theft.
 - (i) Why is the possession of money not considered to have been transferred to Shyam alongwith the table ? Explain in the light of the elements of possession.
 - (ii) Distinguish possession and ownership.
 - (b) A certain village has a custom that every cultivator of the village land is entitled to graze his cattle on the common pasture. Arjun Singh became a tenant of a plot of uncultivated land in the village. He does cultivation and there by acquired an easement to graze his cattle.
 - (i) What kind of easement does Arjun Singh enjoy ?
 - (ii) What are the rights which cannot be regarded as capable of being easements ?

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- (c) GBV Company Ltd. is a company formed under the Indian Companies Act. It is engaged in the manufacturing and servicing of agricultural and farm equipments.
- (i) Is GBV Company a corporation sole or corporation aggregate ? Explain.
- (ii) Discuss the advantages of Incorporation.

4. Answer in detail any **four** :—

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- (a) Critically examine the Sociological school of jurisprudence. Highlight the contribution made by Roscoe Pound.
- (b) Discuss 'Personality' and examine the personality of (i) minors, (ii) persons of unsound mind and (iii) dead persons.
- (c) What are the formal and material sources of law ? Discuss the reasons for considering customs as a source of law.
- (d) Discuss the theory that Judges are lawmakers.
- (e) Explain Hothfields analysis of rights in a wider sense.
- (f) Critically examine the concept of possession. Explain the different kinds of possession.

(मराठी रूपांतर)

[वेळ : ३ तास

एकूण गुण : १००

- सूचना : (१) सर्व प्रश्नांची उत्तरे लिहा.
(२) प्रश्नांचे गुण उजवीकडील बाजूस दर्शविले आहेत.

१. सर्व प्रश्नांची उत्तरे एक किंवा दोन वाक्यात लिहा.

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- (अ) कायद्याच्या तत्वाबाबत न्यायधीशाचे शैरे स्पष्ट करा.
- (ब) दुय्यम कायदेमंडळ काय आहे
- (क) "सर्व्हीट्यूड" व्याख्या करा.
- (ड) केल्सनचे कायद्याच्या सिद्धांताबाबत योगदान काय आहे ?
- (इ) न्यास काय आहेत ?
- (फ) अनुच्छेद १७ भारतीय राज्य घटनेच्या तरतुदीमध्ये कोणत्या प्रकारचा न्याय अभिप्रत आहे ?
- (ग) निश्चित कायदा काय आहे ?
- (ह) न्याय तत्व शास्त्राचा अभ्यास करण्याचे कोणतेही दोन फायदे स्पष्ट करा.
- (य) 'बंधन संज्ञा स्पष्ट करा.
- (ज) सर्वाधिकार काय आहेत ?

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२. कोणत्याही चारांवर टिपा लिहा. २०
- (अ) सामाजिक अभियांत्रिकी
 (ब) रूढी आणि परंपरा
 (क) करार
 (ड) कायद्याची कार्ये
 (इ) पूर्वन्यायनिर्णयाचे प्रकार
 (फ) बंधनाचे स्रोत.
३. कोणतेही दोन सोडवा. १२
- (अ) राजाकडे ड्रॉव्हरसहित एक लाकडाचे टेबल आहे, त्याने ते टेबल शाम सुताराकडे दुरुस्तीसाठी दिले, शामला एका ड्रॉव्हरमध्ये पैसे सापडले आणि त्याने पैसे स्वतःसाठी खर्च केले. राजाला ड्रॉव्हरमध्ये पैसे आहेत असे माहित नव्हते. शामला चोरी केल्याबद्दल शिक्षा मिळाली.
- (१) पैशाचा ताबा टेबलसहित शामकडे देण्यात आला होता असे विचारात का घेण्यात येत नाही ? ताब्याची विविध अंगे स्पष्ट करा.
 (२) ताबा आणि मालकी फरक स्पष्ट करा.
- (ब) काही गावांमध्ये अशी प्रथा आहे की गावातील प्रत्येक शेतकरी आपली गुरे समान हिरवळीवर चरायला सोडतो. अर्जुनसिंग हा एका बिगरशेती केलेल्या जमिनीचा कूळ झाला. त्याने शेती केली आणि गुरे चरण्यासाठी वहिवाट प्राप्त केली.
- (१) अर्जुनसिंग कोणत्या प्रकारच्या वहिवाटाचा आनंद घेत आहे ?
 (२) कोणत्या प्रकारचे हक्क वहिवाट बनविण्यास सक्षम नाहीत ?
- (क) जीबीव्ही कंपनी लिमिटेड ही कंपनी भारतीय कंपनी कायद्याखाली निर्माण झाली आहे. शेतीच्या अवजारांच्या निर्मितीचे कार्य ही कंपनी करते.
- (१) जीबीव्ही कंपनी कापोरेशन सोल किंवा कापोरेशन अॅग्रीगेट आहे का ? स्पष्ट करा.
 (२) इनकापोरेशनच्या फायद्यांची चर्चा करा.
४. कोणतेही चार लिहा :- ४८
- (अ) कायदेतत्वशास्त्राची समाजशास्त्रीय विचारप्रणालीची समिक्षात्मक चर्चा रॉस्को पांडडच्या योगदानाला ठळकपणे विचारात घेऊन करा.
- (ब) 'व्यक्तिमत्व' चर्चा करा आणि खालील व्यक्तिमत्वाचे परीक्षण करा
 (१) व्यक्ती (२) वेडसर (३) मृत व्यक्ती
- (क) कायद्याचे औपचारिक आणि भौतिक स्रोत काय आहेत ? चालिरितींना कायद्याचे स्रोत मानण्याची कारणांची चर्चा करा.
- (ड) "न्यायाधीश कायदाकर्ता असतात" या सिद्धांताची चर्चा करा.
- (इ) होथफिल्डचे हक्कांच्या विस्तृत अर्थाचे विश्लेषण करा.
- (फ) ताबा या घटकाचे समिक्षात्मक परीक्षण करा. ताबा याचे विविध प्रकार स्पष्ट करा.

May 2017

Jurisprudence

Sem

2017-18

Sem VIII

Q.P. Code :09120

[Time: 3 Hours]

[Marks:100]

Please check whether you have got the right question paper.

- N.B:**
1. Answer all questions
 2. Total marks for the questions are indicated in the right end

Q.1 Answer all questions in one or two sentences:-

- a What is law according to H.L.A Hart?
- b What are negative rights? Give an example
- c Functions of law
- d Mischief rule
- e What are jural opposites?
- f How can legal rights be acquired?
- g What are fungible things?
- h What is the meaning of *corpus possessionis*?
- i What are the three rights on the object owned?
- j Sanctions

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Q.2 Write short notes on any four:-

- a Conception of law in the Vedas.
- b Characteristics of a legal right
- c Incorporeal property
- d Merits and demerits of codifications
- e Kinds of obligations
- f Advantages of incorporation

Q.3 Answer any two:-

- A Gandhi and Nelson Mandela were leaders known to have adopted peaceful means to start movements to liberate their countries in the face of oppressive colonial regimes.
 - i) Explain how natural law theory supports the ideas conceived by these leaders?
 - ii) Differentiate between the naturalist views and positivist views regarding these movements.
- B William is a trader. He leaves behind some goods in the house of Raja by mistake. Raja treats the goods as his own and uses it. He is expected to pay William for the goods he used. However there was a fire in Raja's house and William saves Raja's property from fire.
 - i) Is William entitled for compensation? Give reasons
 - ii) Explain what quasi contractual obligations are?
- C A carpenter was engaged to do some repairing work in a house. While repairing he found some articles of gold ornaments. He took them to a jeweler to find how much was the ornaments worth. The jeweler refused to return the ornaments. The carpenter sued the jeweler and recovered the same from him.
 - i) Explain the carpenter's right to possession.
 - ii) Discuss the essentials of possession.

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Q.4 Answer in details any four:-

- a Critically examine the growth of natural law and its impact on the legal systems
- b Define property and explain the different kinds of property a person can own lawfully?
- c Explain the functions of law?

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Q.P. Code :09120

- d Explain the importance of legislation as a source of law. Describe different kinds of legislations.
- e Explain the different kinds of customs. Highlight the characteristics of a valid custom.
- f Explain the concept and essential of ownership. Describe briefly the different kinds of ownership.