

BA LLB
Second Semester
JURISPRUDENCE-II
(BLB – 205)

Duration: 3Hrs.

Full Marks: 80

Part-A (Objective) =30
Part-B (Descriptive) =50

(PART-B: Descriptive)

Duration: 2 hrs. 30 mins.

Marks: 50

Answer the following questions:

1. What do you mean by custom? What are the different kinds of custom? Write down the essentials of valid custom. Explain briefly. (2+3+5=10)

Or

What is delegated legislation? How can the delegated legislation be controlled? Write down the differences between Custom and Legislation as source of law.

(2+4+4=10)

2. What is legal right? Briefly discuss the classification of right. (3+7=10)

Or

Briefly discuss Hohfeld theory of Jural Relations. What is the difference between *right in rem* and *right in personam*? (6+4=10)

3. Define legal person. What is the difference between corporate sole and corporate aggregate? (4+6=10)

Or

Discuss briefly the different theories of legal personality. (10)

4. What is the importance of property in society? Describe the different kinds of properties. (4+6=10)

Or

Discuss the different theories of property. (10)

5. What are the essential elements of possession? Possession is the prima facie evidence of ownership. Explain. (4+6=10)

Or

What are the essential elements of ownership according to Austin? Differentiate between possession and ownership. (4+6=10)

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Duration: 30 minutes

Marks – 30

(PART A- Objective Type)

I. Choose the correct answer:

1×10=10

- (i) Which of the following is not a legal source of law?
(a) Legislation (b) Precedent
(c) Customary law (d) Foreign Judgment
- (ii) Which of the following is an example of authoritative Precedent?
(a) Ratio decidendi (b) Obiter Dicta
(c) Descending Judgement (d) Foreign Judgement
- (iii) Which one of the following is not a person?
(a) An idol (b) Person in mother's womb
(c) An incorporated company (d) Dead man
- (iv) Who defined 'Legal personality is a medium through which some such units are created in whom rights can be vested'?
(a) Zitelmana (b) Salmond
(c) Gray (d) G.W. Paton
- (v) Jural opposite of Liberty is:
(a) Right (b) Duty
(c) Power (d) Liability
- (vi) Perfect Right is:
(a) Only recognised by law.
(b) Not enforceable by law.
(c) Not only recognised by law but also enforceable by law.
(d) Neither recognised nor enforceable by law.
- (vii) 'A thing is the property of the person who produces it or brings it into existence.' This view is supported by which theory of property?
(a) Labour theory (b) Metaphysical theory
(c) Natural law theory (d) Historical theory
- (viii) Which of the following is not right in re-aliena?
(a) Patents (b) Lease
(c) Mortgage (d) Servitude

- (ix) Which of the following statements is correct?
(a) Possession is not a prima facie evidence of ownership.
(b) Possession is said to be ten point of law.
(c) Possession once lost cannot be regained.
(d) Possession is said to be the nine point of law.
- (x) According to Austin ownership is a right of:
(a) indefinite user (b) unrestricted disposition
(c) unlimited duration (d) all the above

II. Answer the following questions:

2×10=20

- (i) Write down Salmond's classification of the sources of law.

- (ii) What do you mean by Obiter Dicta?

- (iii) What is Secondary Right?

- (iv) Match the following:

- (a) Time barred debt ----- (i) Right in re -propria
(b) Right to reputation -----(ii) Right in personam
(c) Right arising out of contract----- (iii) Imperfect Right
(d) Copy right -----(iv) Right in rem

- (v) Write down two characteristics of Legal person.

