

(6)

4. Answer any two of the following : 10×2=20

- (a) Discuss natural law theory after John Locke.
- (b) What do you understand by legal positivism? Discuss.
- (c) Discuss briefly the history of the Indian Constitution.
- (d) Examine positive and negative rights after Hohfeldian.

5. What is punishment? Discuss the different theories of punishment. 4+10=14

Or

Discuss at length the fundamental rights as discerned in the Indian Constitution. 14

Or

Is Capital Punishment justifiable? Discuss the situations leading to death sentence as provided by the Indian Laws. 4+10=14

KB23—1100/682 63/1 (SEM-6) DSE4/PHLHE6046

63/1 (SEM-6) DSE4/PHLHE6046

2023

PHILOSOPHY

Paper : PHLHE6046

(Philosophy of Law)

Full Marks : 80

Pass Marks : 32

Time : 3 hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer from the following (any six) : 1×6=6

- (a) Philosophy of law refers to
 - (i) ethics
 - (ii) jurisprudence
 - (iii) political science
 - (iv) social science
- (b) The father of philosophy of law is
 - (i) Voltaire
 - (ii) Rousseau
 - (iii) Hobbes
 - (iv) Locke

KB23/682

(Turn Over)

(c) An example for common good is

- (i) going for picnic
- (ii) attending a class by student
- (iii) an effective system of public safety and security
- (iv) attending a marriage ceremony

(d) The legal positivism means

- (i) philosophical theory of the nature of law
- (ii) moral theory
- (iii) theory of historiography
- (iv) legal theory

(e) "Law is the command of the sovereign" is said by

- (i) Austin
- (ii) Aristotle
- (iii) Mill
- (iv) Nietzsche

KB23/682

(Continued)

(f) The primary rules of law

- (i) bind people
- (ii) help realise wishes of people
- (iii) neglects the wishes of people
- (iv) remain neutral

(g) Panel obligations point to

- (i) obedience to law
- (ii) a breach of obligation
- (iii) obligation to society
- (iv) obligation to family

(h) The Supreme Law of India is

- (i) the Supreme Court of India
- (ii) the Parliament of India
- (iii) the Constitution of India
- (iv) the Lok Sabha

(i) The fundamental rights are defined as

- (i) basic human freedom
- (ii) secondary freedom
- (iii) tertiary freedom
- (iv) some obligations

KB23/682

(Turn Over)

(4)

(j) Criminal law is governed by

- (i) Indian Penal Code
- (ii) CrPC
- (iii) an Evidence Act
- (iv) Indian Penal Code, CrPC, an Evidence Act

2. Answer the following questions (any five) : $2 \times 5 = 10$

- (a) What do you understand by jurisprudence?
- (b) What is meant by legal positivism?
- (c) What is fundamental right?
- (d) Define Hart's theory of law.
- (e) Cite any two secondary laws after Hart.
- (f) Is punishment a negative reward?
- (g) State the major theories of punishment.

KB23/682

(Continued)

(5)

3. Answer any six questions from the following :

$5 \times 6 = 30$

- (a) Write a short note on traditional natural law theory.
- (b) Distinguish between primary and secondary rules of law.
- (c) Expound the idea of death penalty.
- (d) What are the obligations of fulfil a contract?
- (e) Write a note on reformatory theory of punishment.
- (f) What are the principles of criminal responsibility?
- (g) What do you understand by tort?
- (h) Elucidate the doctrine of basic structure of the Indian Constitution.
- (i) How is blackmail defined in law?
- (j) Find out the differences between justification and excuse.

KB23/682

(Turn Over)