

ATKT.

BCS
SEM - VIII
20/11/19

(3 Hours)

(Total Marks : 100)

Please check whether you have got the right question paper.

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

1. Answer all questions in **one or two** sentences. 20
- a) What is Customs ?
 - b) Define 'Ownership'
 - c) State two kinds of Corporation ?
 - d) Distinguish between moral right and legal right ?
 - e) State rule of 'Ejusdem Generis'
 - f) What is doctrine of Stare Decisis.
 - g) State the meaning of phrase 'No scitur a sociis'.
 - h) Define Obligation.
 - i) What are Trusts ?
 - j) What kind of justice is reflected in Art.17 of the Indian Constitution ?
2. Write short notes of **any four** : 20
- a) Function of law
 - b) Social Engineering.
 - c) Title
 - d) Feminist Jurisprudence.
 - e) Legal consequences of possession.
 - f) Corporate Sole.
3. Answer **any two** of the following : 12
- a) The state Government announced a ban on illegal slaughter houses. A meat retailer's renewal license was delayed, because of which his slaughter house could not run causing him a loss in business.
 - i) Argue on behalf of meat retailer protecting his constitutional right to freedom of trade.
 - ii) Argue on behalf of state using Article 48A of the constitution.
 - b) Law are not of universal validity or application. Each people develop own legal habits, as it has its peculiar language, manners and constitution.
 - i) Name the chief exponent of Historical School of law can law found in historical traditions, language and culture ? Illustrate appropriately.
 - ii) Explain the term ' Volkgeist ' ?
 - c) 'A' is a trader leaves behind some goods in the house of 'B' by mistake. 'B' treats goods as his own and uses it. He is expected to pay for good he used to 'A'. There was fire in 'B' is house; he somehow saved 'A's goods from fire.
 - i) What are quasi contractual obligations ? Is 'A' entitled for compensation.
 - ii) What are fundamental principles of quasi contractual obligations.

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- 4) Answer in detail any **four** of the following. 48
- a) Discuss 'personality' and examine the personality.
(i) minors (ii) persons of unsound mind and (iii) dead persons.
 - b) Explain different sources of law in India.
 - c) Critically examine the growth of natural law and its impact on the legal systems.
 - d) Explain Hohfeldian analysis of rights in a wider sense.
 - e) Critically examine the concept of possession. Explain the different kinds of possession.
 - f) Explain kinds of property and modes of acquiring property.

[Time: 3 Hours]

[Marks:100]

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

Q.1 Answer all questions. Each question carries two marks:-

20

- (a) What does the term *Jurisprudence* mean?
- (b) What were the main contributions of Leon Duguit?
- (c) State the definition of legal formalism
- (d) What are the implications of ownership?
- (e) What are trusts?
- (f) What do you mean by *Animus Possidendi*?
- (g) What is the legal personality of animals?
- (h) What are the two elements of possession?
- (i) What is general custom?
- (j) What is distributive justice?

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Q.2 Write short notes on any four of the following:-

20

- (a) Basic features of the Historical School of law
- (b) Legal consequences of Possession
- (c) Derivative title
- (d) Corporate Sole
- (e) Rule of *Ejusdem generis*
- (f) Feminist Jurisprudence

Q.3 Answer any two of the following:-

12

- (a) The only natural person are human beings. Animals are not persons either natural or legal. Animals are merely regarded as things.
 - (i) Can animals possess legal rights and duties?
 - (ii) Explain why are anti-poaching laws made and the societies for Prevention of Cruelty to Animals made?
- (b) Rakesh purchases the material for a suit. He gives it to a tailor for stitching for stitching his suit. Rakesh is unable to pay for the cost of stitching and the tailor refuses to 'deliver him the suit. Rakesh argues that the tailor should give him his suit since the material belonged to him.
 - (i) What kind of security is being exercised by the tailor?
 - (ii) Explain the ways by which such a security would arise.
- (c) A bankrupt cannot sue for torts in respect of his property because the right to property is actually vests with the Official Receiver.
 - (i) Explain if a bankrupt person is devoid of personality under law.
 - (ii) Explain if the person has a capacity and what would be his rights in a wider sense.

Q.4 Answer in detail any four of the following: -

48

- (a) Examine critically the natural law theories propounded by different jurists.
- (b) Discuss legislation and precedents as sources of law and bring out their relative advantages and disadvantages.
- (c) What is corporeal possession? Examine different kinds of ownership.
- (d) Explain the concept of property and discuss the kinds of property.
- (e) Define custom and explain the essentials of a valid custom.
- (f) Enumerate the various functions of law.

28/5/19

[Time: 3 Hours]

[Marks:100]

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