



Chhatrapati Shahu Ji Maharaj
University, Kanpur

Answer Script Details
Barcode 12645010

Roll No. 23086004441
Total Mark 55/100.00

Exam Bachelor of Law(LAW)
Subject LLB501 - JURISPRUDENCE

Question wise Mark Summary

Q.No Mark Q.No Mark Q.No Mark Q.No Mark

1A 2/4 9 0/15

1B 2/4

1C 2/4

1D 2/4

1E 2/4

1F 2/4

1G 2/4

1H 2.5/4

1I 2/4

1J 2/4

2 9/15

3 0/15

4 0/15

5 8.5/15

6 0/15

7 9/15

8 8/15

Chhatrapati Shahu Ji Maharaj University Kanpur, Uttar Pradesh

PART-II

MARKS OBTAINED

Q.	1	2	3	4	5	6	7	8	9	10
(a)										
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Total Marks in Words										



LLB501

Paper Code

Signature of Evaluator

Date of Exam: 06-1-26
 Room No: 47
 Paper Code: 501
 Subject: JURISPRU Year/Sem: I
 Name of Candidate: JAYA PARIHAR
 Roll No: 23086004441

Signature of Candidate: *Jaya Parihar*
 Signature of Investigator: *Aut*
 C.O.E. Facsimile: *JK*

Course: LLB
 Session: 2025-26 Year/Semester: I
 Subject: JURISPRUDENCE

परीक्षालय का कोड
College Code

परीक्ष केंद्र का कोड
Exam Centre Code

परीक्षा का प्रकार
Type of Exam

K N O 5

A	A	●	0	0
E	R	1	1	1
F	D	2	2	2
H	J	3	3	3
●	K	4	4	4
L	L	5	●	5
R	M	6	6	6
S	●	7	7	7
U	7	8	8	8
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K N O 5

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S	●	7	7	7
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ANSWER BOOKLET NO.

12645010

LLB501

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पंजीयन संख्या
Enrollment Number: C S J M A 2 3 0 0 0 1 4 9 9 7 0

परीक्षार्थी अनुक्रमिक संख्या
Candidate's Roll Number

पेपर कोड
Paper Code

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Jaya Parihar
Signature of Candidate

Aut
Signature of Investigator

केन्द्राध्यक्ष
वज्रानन्द कालेज
कानपुर

JK
C.O.E. Facsimile

नोट: 1. परीक्षार्थी को निर्दिष्ट किया जाता है कि आवरण पत्रों को पृष्ठ भाग पर अंकित सभी निर्देशों को सावधानी पूर्वक पढ़ें।
 2. कोला में भरी जाने वाली प्रतिक्रियाएँ भरी तालक से मुक्त की जाएँ। 3. पत्रों को काटने या नीचे बीजक से भरना नहीं है।

INSTRUCTIONS TO THE CANDIDATE FOR FILLING PART-I

1. Read the instructions carefully given on the answer script and admit card.
2. Write Date of Exam, Shift, Paper Code & Name of Subject Correctly.
3. Write Name & Roll No. Correctly.
4. Write Semester & Branch Correctly.

INSTRUCTIONS TO THE CANDIDATE FOR FILLING PART-II

1. Use blue or black ball point pen for writing alphabets & numerals in Boxes.
2. Carefully study the example before you start marking.
3. As shown in the example below blacken the circles completely.



4. Make no Stray marks on this sheet.
5. DO NOT WRITE OR MARK ON THE BAR CODE.

IN ORDER TO AVOID UFM (UNFAIR MEANS) :

1. The Roll No. and Answer Book no. found elsewhere or any other symbol found in the answer book will be treated as unfair means.
2. Any tempering of Bar Code and Booklet no shall be treated as Unfair Means.
3. Do Not bring the materials like slip of paper/mobile/digital diaries/ study material/ revision notes in examination hall. Possession of the mobiles/ digital diaries/ electronic watch and any other electronic gadget except memory less scientific calculator shall be considered as UFM case.
4. Do not keep or paste currency note in answer script it shall be consider as UFM.

अनुचित साधन से बचने हेतु:

1. उत्तर पुस्तिका के निर्देशित स्थान को छोड़कर अनुक्रमांक एवं उत्तरपुस्तिका का क्रमांक कहीं और न लिखें तथा कोई भी चिन्ह न बनायें क्योंकि यह अनुचित साधन प्रयोग की परिधि में आता है।
2. उत्तर पुस्तिका के बारकोड अथवा उत्तर पुस्तिका संख्या पर छेड़ करने पर अनुचित साधन प्रयोग माना जायेगा।
3. परीक्षा कक्ष में निम्न वस्तुएं साथ न लायें, जैसे लिखें हुए कागज के टुकड़े, मोबाइल, डिजिटल डायरी, कोपी, पुस्तक यह सभी वस्तुएं जो अनुचित साधन को अन्तर्गत आती है। केंद्रल संबंधित प्रश्नपत्र में ही मेमोरी लेस साइटफिक कैल्कुलेटर ले जाने की अनुमति होगी।
4. उत्तर पुस्तिकाओं में रूपरेखा न रखें न ही उत्तर पुस्तिका में थिपकार्ड। ऐसा करना अनुचित साधन प्रयोग की परिधि में आता है।

परीक्षार्थी के लिए निर्देश

1. प्रवेश पत्र एवं उत्तर पुस्तिका पर दिये गये निर्देशों को ध्यान से पढ़ें।
2. कवर पृष्ठ के दूसरी तरफ कुछ न लिखें।
3. उत्तर पुस्तिका के पृष्ठों पर दोनों तरफ लिखें।
4. प्रश्न पत्र पर अपने अनुक्रमांक के अतिरिक्त कुछ न लिखें।
5. प्रश्न पत्र कोड एवं प्रश्न पत्र कोड सावधानी पूर्वक लिखें।
6. अपनी स्थिति स्पष्ट लिखें।
7. उत्तर पुस्तिका के पृष्ठों की संख्या देखें। अगर उत्तर पुस्तिका में पृष्ठ (1-24) से कम है या फटे हुए हैं, तो परीक्षा शुरू होने के पूर्व दूसरी उत्तर पुस्तिका ले लें।
8. प्रश्नपत्र को देखें, यदि प्रश्नपत्र के विषय कोड, विषय का नाम तथा प्रश्न में कोई त्रुटि है तो उसके परीक्षा शुरू होने के 30 मिनट के अन्दर केंद्र निरीक्षक को तत्काल सूचित करें, उसके बाद विश्वविद्यालय द्वारा कोई कार्यवाही नहीं की जायेगी।
9. प्रश्नों के उत्तर लिखने के लिये पैसिल का प्रयोग न करें।
10. B कोपी या अतिरिक्त टाफ नहीं दिया जायेगा।

INSTRUCTIONS TO THE CANDIDATE

1. Read the instructions carefully given on the Question Paper Admit Card & Answer Script.
2. Do not write anything on back side of the cover page.
3. Write on both sides of pages of answer book.
4. Do not write anything on question paper except Roll Number.
5. Write Paper Code & Question Paper Id carefully.
6. CHECK the number of pages (1-32) or any other kind of damage in your answer script, if found than change the answer script immediately before the commencement of examination.
7. CHECK the Question Paper for any kind of discrepancy e.g. Subject Code, Subject Name and Question of the Question Paper during first THIRTY MINUTES of the commencement of the exam, so that it can be corrected in TIME. After that no corrections shall be entertained by the university.
8. Do not use pencil for answering the question.
9. Write status correctly e.g. those appearing in carry over paper should fill in status as Carry Over. Those appearing as E. Students should fill in status as ex.
10. No supplementary answer book & graph paper will be provided.

INSTRUCTIONS TO THE CANDIDATE FOR FILLING PART-IV

1. Use blue or black ball point pen for writing alphabets & numerals in Boxes.
2. Use blue or black ball point pen for filling the circles.

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Note - If your Roll No. is of 10 digits. Please leave first three column

**SECTION-B**

Que 2:- write critical note on the analytical positivism.

Analytical school of law was initially propounded by "Bentham" and later expanded by "John Austin". Developed as a reaction against 'Natural school'. Analytical school is a shift from 'A priori' approach which was followed and developed by natural law school.

In the analytical theory of law 'laws & moralities' are differentiated. According to this school, moralities are not objective but law is objective, and by comparing laws with moralities laws will turn subjective, lose its objectivity.

Analytical school studies laws in a systematic and scientific form, without influenced by ethics, moralities, human values and attitudes.

Analytical positivism studies laws as "commands by sovereign backed by sanctions" - John Austin.

Analytical law school is also called



imperative school.

Analytical positivism comes from latin word 'positium' which means "as it is", in this school law is concerned with "law as it is" not "what ~~shd~~ ought to be".

* Analytical positivism can be broke down into ..

(a) **Analytical** = systematic & scientific study of law, including influence of Morality. In this the law is studied as it is not what it should be. Human values, beliefs, are ignored. ✓

(b) **Positivism** = positivism means laws developed by sovereign authority and which are backed by sanctions. Positive laws are developed by humans based on reason.

In positive law, the commands are given by any authority, which are backed by sanctions.

That is, positive laws are enforced by state and carry legal penalty if any being fails to conform with the commands given.



* Essentials of Analytical positivism

- (i) Law as it is, not what ought to be. Positivism sees law without confirming to morality, ethics or justice.
- (ii) Laws are commands. Laws are considered commands or directions given to individuals to do or refrain from any act.
- (iii) Sanctions backed. If being is failed in following the directions the law carries penalties.
- (iv) Authority backed commands. Laws which are commands are given by any authority which receives obedience from mass.

* Criticisms

- (i) Overemphasis on commands.
- (ii) Too abstract and vague.
- (iii) Morality is ignored in law making.

Hence analytical positivism is based on scientific study and analysis of law, where it compares law to be command of sovereign backed by sanctions.



Ques:- write a critical note on sociological school.

Sociological school sees laws which are "pro. of society" and "social development". "formed to balance the competing interests in society"

This school considers laws social institutions, where a shift is seen from giving importance to societal or collective interest rather than individual interests.

This school developed as a reaction against the Analytical school which preached laws as commands and Historical school which focused on customs.

Sociological school marks a shift from 'Laissez-faire' economy to a 'welfare based society'

Laissez-faire is a French term which says absence of government for more better off businesses. A shift was seen from laissez-faire to welfare based society.

Sociological school connects law with the society and propounds that



law developed due to changes in society and sees law as an evolutionary process, where law is developed due to changing conditions of the society, like economics, politics and human life.

Main proponents of this theory are "Auguste Comte" and "Roscoe Pound"

↓
"social engineering theory"

* Background

(i) Developed as reaction against Analytical school

Analytical school focused on the commands and sanctions while ignoring the "social realities"

(ii) Developed due to fails of historical school

Historical school justified customs and propounded development of laws through customs, which ignored the development in real world like industrialization, urbanization etc.

(iii) social changes in 19th century

Sociological school developed due to social changes in economy, society



politics &

* characteristics

(i) Laws are flexible

Sociological school see laws flexible and developed due to changing environment

(ii) Laws in action

Sociological school sees laws in action not in books, so developed due to changed ac.

(iii) Laws as tool of social change

This school justified law as a tool of social change, like abolition of sati and slavery.

(iv) Law as a social institution

Laws developed due to development of social institutions like family, marriage, industries etc.

(v) Laws are concerned in Balancing The Competing interests.

Sociological theory focuses on balancing the competing interest to harmonise society and maximise efficiency.

Do Not Write anything in this Portion



Section C

Ques 7:- Define Possession. Distinguish between possession in fact and possession in law.

Possession in legal terms means intention coupled with physical control of any object and excluding any other being to use it.

possession of any object means physical control over the object with or without any legal validity.

Possession does not only mean physical control but also mental awareness and intention or will to control or retain the object for own use and excluding others from using that object.

Possession does not define or justify ownership but it is the 1st step of ownership.

In case of Annal V. Peel 1895 the court stated that possession should require physical control as well as intention to control the object, even without having



Legal ownership possession can be controlled and retained.

* Essentials

(i) Corpus possessionis (physical control)

a) possession is valid only when the object is in physical control.

(ii) Animus possidendi (intention)

possession will not be completed if one lacks any intention to possess the object.

for a successful possession both elements should be fulfilled.

• Possession can be retained without having ownership and law does not invalidate it in order to prevent

(i) conflict in society

(ii) maintain social harmony

(iii) It marks the beginning of property rights.

(iv) For legal certainty and uniformity

• Possession do not guarantee ownership but it marks the beginning of ownership rights, other party has to prove better



title"

* Possession in Fact or de facto

- It means physical control along with intention to possess the object.
 - possession in fact may be recognised legally or maybe not.
 - It does not provide ownership right to the possessor.
- ex: (1) Tenancy right is not given to anyone.
(2) goods stolen by thief and in his possession.

* Possession in law or de jure

- It means legal rights of possession even without any physical control.
- It is backed by law and recognised legally.
- Possession in law can provide ownership rights if title is proven.

- ex: (1) goods of A kept in B's warehouse
(2) land of A given to B in lease
(3) Easement rights over one's property.

Hence possession requires both physical control and intention to possess the object also including use of others.




Que 9 :- critical note on inter-relationship b/w law & morality.

Laws are directions or statutes passed by any authority and backed by penalty or punishment on failure to follow directions.

- Laws are legal  enforced by the state by any penalty attached.

- Laws controls the behaviour of all men in society by providing them with rights and duties.

Whereas, Moralities are developed by the ethics, justice and human reason, they form set of "values" which govern  an individual on basis of his goodness or evil.

- Moralities are not legally enforceable.

- Moralities follow social sanctions and social praise.

Example : Justice, ethics etc, equality etc

* Thoughts of different schools

(a) Natural school - Founded by greek



philosophers and Roman jurists, they think, 'Law and morality are connected'; law is developed by Morality and one should not develop laws while developing laws.

Thinkers - Socrates, Aristotle, Zeno, John Locke etc.

(b) Analytical school -

This school argues that law and morality should not be mixed as laws are objective and moral are not.

They argue that law should be developed 'analytically and systematically'

Thinkers :- John Austin, HLA Hart, Bentham etc.

(c) Pure theory

Given by 'Kelsen' says that laws are not formed by morality but by 'Norms'

(d) Sociological school

This school argues that law is developed by the evolution and changing society and suggests that law and morality are inter-connected and related.

Thinker : Auguste Comte & Roscoe Pound



Do Not Write anything in this Portion

- Few scholars believe that laws are 'A priori' that is, they have developed due to reason and morality.
- Laws and morality are seen as eternal and immutable, where laws are formed by and discovered through human reason.
- Moral values are included in law making process, example
 - (a) laws made for women
 - (b) laws made against public wrong
 - (c) laws made against caste practice
- Morality and laws cannot be separated, every law should have minimum morality, so as to have welfare based society and maintain harmony.
- Moralities should not be maximised while making law as morals are ~~all~~ subjective, they differ from society to society and law will lose its objectivity. Hence, minimum morality should be taken into consideration while making laws, as objective of law is human good and welfare maximisation.



Section A

Ques 1:-

(A) Ancient Indian Jurisprudence.

* Ancient Indian Jurisprudence was "status based", where laws made and developed on the basis of status of people. In the class or clan they were born into - Individuality was not given importance.

- Rights and duties were developed on class / caste basis
- Ascribed law
- Individual rights were not given consideration
- It happened in ancient, primitive societies in India.

* Laws were made by the Rulers
laws made by the rulers were followed strictly without questioning its moral.


✓
Kings / rulers formed the basis of legal validity. eg: Saptang Theory by Chanakya.

* Custom Based laws

Some laws formed were due to voluntary, consistent practices which later became customs.




family laws, laws on marriage, inheritance are based on traditions and customs followed.

- * Codified laws ^{made} laws which were followed out of followed custom were later codified,  uniformly and accessibility.
ex: Hindu marriage act, Succession and inheritance acts.

- * Hence, Ancient Indian jurisprudence developed laws which are still being widely practiced in India.

(B) Bentham

Bentham is considered 'father' of 'Analytical positivism school' also called imperatival school.

where law is separated from morality and studied in a systematic  way. Laws are formed by humans known as 'positive laws'



Bentham was the earliest and also considered as father of Analytical school propounded that and studied that 'law and society'

- * According to Bentham law is developed and shaped by society and aim of law should be welfare generation and maximizing the interests of the individuals by developing objective laws, free from subjectivity of morality.
- * He worked for systematic and analytical development & study of law.
- * codification of law was discussed.
- * He worked on to provide clear definition of law and jurisprudence.

(c.) Rudolf Stammler

He was an important thinker of 'Natural school' also known as Rivine law school.

He revived the Natural law school in 19th century.



his theory is called "Natural law with variable content"

* In this theory he argues that Natural laws are "not fixed or rigid" but "variable" according to the changing societies.

* Unlike other thinkers he stated that Natural law are not fixed but flexible and provide — 'standards & Ideals' to judge positive law.

* According to him Natural law keep changing from society to society.

* Natural law with variable content

- Forms of laws = constant
(justice, equality, fairness)
- application = variable
(depends on what society it is)

Hence, he brought change in natural law and revived it.

(D) Sir Henry Sumner Maine

Maine was a famous thinker from "Historical school of



jurisprudence

* Sir Maine gave the concept of 'social evolution' to law and explained the stages of how law evolve.

* Sir Maine is famous for his work 'Ancient Law' and gave the theory of 'status to contract'.

* According to Sir Maine law develops with time and changing society, it does not appear suddenly but developed naturally.

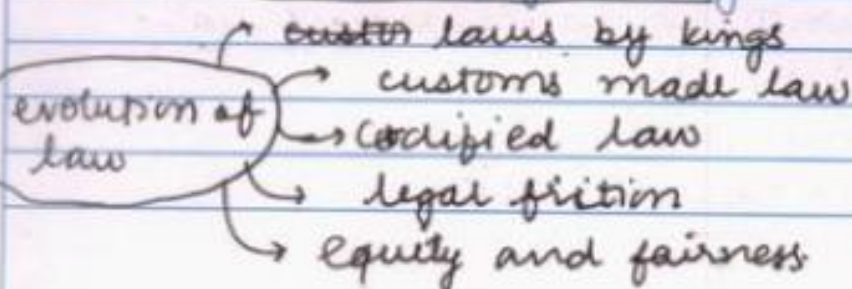
* Status to contract

1) status

- In ancient societies, individuals were judged on basis of 'Birth and their class'.
- 'No individual rights' present
- laws were made according to status and there were 'no uniformity'.

2) contract

- law formed contract among individuals
- Individual rights given importance
- Modern society society.





(E.) Pure theory of law

Pure theory of law was developed by 'Kelsen' from the 'Analytical positivism school'.

According to Kelsen's theory, laws are developed in the 'Norms' in the society. He gave 'normative approach' to law making.

Pure theory states that,

Every law derives its authority from a norm and every norm from a higher norm and finally there is 'Grundnorm' (highest norm).
[ex:] Statutes derives validity from any law and law from constitution where constitution is grundnorm.

Pure theory places norms hierarchically and law derives its validity by following this hierarchy and finally reaching to 'GRUNDNORM'.

* Hence Kelsen Pure theory is based on 'purity of law' free from -

- (A) Moral values
- (B) Political opinions
- (C) Psychological thinking.



* Criticism

- (a) gave overemphasis to norms.
- (b) Abstract and vague concept
- (c) Did not consider morality in law making
- (d) who must will decide the hierarchy of the norms.

* Contribution

- (a) gave systematic and analytical understanding of law.
- (b) gave precise definition of law
- (c) helped to provide a channel to track validity of law
- (d) gave objectivity to law.



* Main idea

- (i) Hierarchy of Norms.
- (ii) Legal validity only if follow the higher norms
- (iii) Grundnorm development - highest norm or highest law of place.

(F) Hart Concept of law

H.L.A Hart was one of the important thinkers of the Analytical school



of thought.

- * H.L.A Hart gave antithesis to Devlin's morality concept.
- * He argues that Law and Morality should not be placed together and considered while law making.
- * As a staunch Analytical school proponent he argued to exclude morality while law development.
- * According to him laws are formed "objectively" and adding "morality" to law will make it subjective.
- * He wanted law to be uniform and crisp, not vague and abstract.
- * He focused on 'what law is' - imperative not on 'what law ought' to be.
- * He didn't deny existence of morality but stated that mixing both could cause confusion and uncertainty.



(F.) Legal status of a dead man

* legal recognition means recognition of any entity by law - both natural (human beings) and artificial (e.g. Institute, fund/estate, corporation)

where they have right to & duties for :-

(a) To sue and to be sued

(b) To enter into contract

(c) To hold & acquire any property

(d) To have rights and liabilities.

* in case of a dead man :-

(i) A dead man cannot enter into contract with any other person.

(ii) A dead man cannot acquire any property in his name; though his property can be transferred through will and inheritance.

(iii) A dead man do not have any rights or liabilities - any liability is transferred to his/her legal heir.

(iv) A dead man cannot be sued or cannot sue anyone.

Hence most of the rights and liabilities are extinguished upon his death.



(H.) Difference between possession and ownership

- * Possession in law means intention coupled by physical control over any object and exclusion of its usage by others.
- * Ownership in law means legal title of a person of an object with anyone without or with possession or physical control.
- * Possession does not guarantee ownership and it may or may not be recognised by law.
- * Ownership is legally valid and also enforceable by the law.
- * Possession is the first step towards ownership and sometimes law gives validity even without ownership.
- * Ownership got exclusive rights of
 - (a) Unlimited usage
 - (b) Unrestricted disposition
 - (c) Unlimited time

Hence Possession can lead to ownership




but is not ownership, whereas ownership does not require physical control.

(J.) Jurisprudence as a science of law

Jurisprudence is a science of law means that, law is :-

- (a) systematically studied.
- (b) Following the principles of science.
- (c) But it is a human science not natural science, as it deals with law making.

- Jurisprudence is a science^{of law}, as its various school of thoughts try to study and analyse laws based on empirical testing.
- Jurisprudence  provides methods to provide a crisp and clear definition to law.
- Jurisprudence as a science of law is studied and is tried to be codified.
- It is a science of law as it is objective in nature and there is no scope of subjectivity in law making.



- Jurisprudence as science of law tried to develop ~~a~~ semi uniformity in law without any abstract or vague concepts.
- Main propoerents are :- John Austin, Bentham, H.L. Hart etc.

(I) difference between civil and criminal liability

- Civil liability is when rights of any person are violated or breached.
- Civil liabilities are backed by penalties
- examples :- (a) Breach of contract
(b) Tort
(c) F o r m e n t a r y r i g h t s i s s u e
- Dealt in c i v i l c o r t s
- criminal liability occurs when ~~rights~~ of any individual ~~are~~ gravely hurt
- criminal liabilities carry punishments along with f m o n e t a r y f i n e s e s
- examples :- (a) Murder
(b) Theft
(c) Tax evasion
- criminal liabilities are dealt in c r i m i n a l c o r t s.