

Name:			
Enrolment No:			
<b>UPES</b> <b>End-Semester Examination, December 2024</b>			
<b>Course: Jurisprudence</b> <b>Program: LL.B. (Hons.)</b> <b>Course Code: CLCC1017</b>		<b>Semester: I</b> <b>Time: 03 hours</b> <b>Max. Marks: 100</b>	
<b>Instructions:</b> Read the questions carefully and answer.			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	What does 'animus possidendi' mean in the context of property law?	2	CO1
Q 2	What is the key distinction made by legal positivists between law and morality?	2	CO1
Q 3	Who developed the concept of 'Volksgeist' as the spirit of the people influencing law?	2	CO1
Q 4	Which judge is associated with the statement "the life of the law has not been logic; it has been experience"?	2	CO1
Q 5	Who linked the concept of 'natural rights' to life, liberty, and property?	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Compare and contrast Rule Scepticism and Fact Scepticism in the context of legal decision-making.	5	CO2
Q 7	What are the essentials of valid custom?	5	CO2
Q 8	State the difference(s) between <i>right in re propria</i> and <i>right in re aliena</i> .	5	CO2
Q 9	Explain the concept of "living law" as propounded by Ehrlich.	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	Analyze the jurisprudential basis for the recognition of legal personality for religious entities such as temples and the non-recognition for mosques in Indian law. Discuss the implications of this distinction with reference to landmark cases like Masjid Shahid Ganj v. Shiromani Gurdwara Parbandhak Committee, and how it affects the rights and status of religious communities.	10	CO3
Q 11	<b>Arrange the following terms based on their jural correlations and jural opposites as per Hohfeld's analysis:</b>	10 (5+5)	CO3

	<p><b>Form of Right</b></p> <ul style="list-style-type: none"> <li>• Right/Claim</li> <li>• Privilege/Liberty</li> <li>• Power</li> <li>• Immunity</li> </ul> <p>Also analyse how each form of right correlates with its corresponding duty or liability and explain the jural opposites.</p>	<p><b>Jural Correlative</b></p>	<p><b>Jural Opposite</b></p>
<p><b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b></p>			
<p>Q 12</p>	<p>In the recent past, there has been growing concern over the surveillance of citizens by both private companies and the government, particularly in the digital age. The Indian government has implemented various surveillance systems to ensure national security, but at the same time, citizens have voiced concerns over the violation of their fundamental right to privacy. For instance, the introduction of the <i>Aadhaar</i> system and its linking with various services has sparked debates about whether this compromises privacy rights guaranteed under Article 21 of the Constitution.</p> <p><b>Evaluate the following problem from both Natural Law and Positive Law perspectives:</b></p> <ul style="list-style-type: none"> <li>• Should the right to privacy be regarded as an inalienable, natural right that must be protected under all circumstances, even in the face of security concerns? Or, should it be subject to legislative enactments and state control based on the principle of public welfare and security?</li> </ul>	<p><b>25</b> <b>(12.5+12.5)</b></p>	<p><b>CO4</b></p>
<p>Q 13</p>	<p>The Indian government has undertaken large-scale infrastructure projects, including dam construction and highway expansion, aimed at boosting economic growth. However, these projects have led to significant environmental harm and the displacement of local communities, particularly indigenous people and farmers. In response, public interest litigations (PILs) have been filed to challenge these projects, calling for a balance between development and environmental protection.</p> <p><b>Evaluate this issue using Roscoe Pound’s theory of Social Engineering, his classification of types of interests, and the concept of Jural Postulates.</b></p> <p>In your answer, discuss:</p> <ul style="list-style-type: none"> <li>• How the law can balance competing interests like economic development, environmental conservation, and the rights of displaced communities using Pound’s theory of social engineering.</li> </ul>	<p><b>25 (8+8+9)</b></p>	<p><b>CO4</b></p>

	<ul style="list-style-type: none"><li>• The types of interests involved (public, private, individual, and social) and how they may conflict or align.</li><li>• How the Jural Postulates apply to this situation, particularly regarding the protection of rights, remedy for wrongs, and just cooperation.</li></ul>		
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