

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2019

Course: Jurisprudence

Program: BA.LLB (CL), BBA.LL.B (CL)(ITIL/BFSI), B.COM.LL.B (TL)

Course Code: CLCC 2004

Semester: IV

Time: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A

Q 1.	Answer any 5 questions. Each question carries 2 marks	Marks	CO
A.	Animus Possesidendi	2	1
B.	Rights in re aliena	2	1
C.	Jus tertii	2	1
D.	Ratio Decidendi	2	1
E.	Subordinate Legislation	2	1
F.	Prospective Overruling	2	1

SECTION B

Answer all questions.

Q 2. A.	Analyze, Define, differentiate and illustrate between. a) Unborn person b) Corporations	10	2
B.	Define customs? What are the essentials of a valid custom? Explain with the help of illustrations	10	2

SECTION-C

Answer all questions.

Q 3. A.	‘Possession is nine points of law’. Explain the concept of Ownership vis a vis Possession with the help of illustrations.	10	3
B.	The term jurisprudence has meant different things at different times. The variation is due to different methods of inquiry and approach to the study of the subject. In lieu of the above statement define Jurisprudence .What is the scope and utility of Jurisprudence as a subject. Also point out the inter-relationship of Jurisprudence with other Social Sciences	10	3

SECTION-D

Q 4	Case Study:		
	<p>A group of people go to explore caves and end up getting trapped in a cave with very meager resources and amenities to last them. As a rescue team is set to work to get these men out of the cave, the clock keeps ticking and the men are deprived of food and water. Then one of the members (B) who are trapped in the cave comes up with a suggestion of casting lots and killing a member and feeding on that person’s flesh and through this way survives a bit longer until they are rescued. This is at first opposed by all the members but later on agreed. It is very important to note that this idea was suggested only as the last resort. However the person (B) who had originally come up with the suggestion backs out at the last moment, but his fellow men do not agree to him and forcibly cast lots on behalf of him and unfortunately the dicing goes against him and he is put to death. Shortly after this chain of events the remaining surviving members are rescued and they are brought to court under murder charges for killing B.</p> <p>Answer the following three questions:</p> <ol style="list-style-type: none">1. Analyse the concept of consent in the aforementioned case in the terms of “Bentham’s principle of utilitarianism” and write a judgment.		
	<ol style="list-style-type: none">2. Explain the correlation between the Jural Postulates (Hohfeld’s Analysis of Rights) taking the aforementioned case into consideration.	20	4
	<ol style="list-style-type: none">3. Comment on the merits and demerits of the deterrent theory in the light of the case	10	4

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2019

Course: Jurisprudence	Semester: IV
Program: BA.LLB (CL), BBA.LL.B (CL)(ITIL/BFSI), B.COM.LL.B (TL)	Time: 03 hrs.
Course Code: CLCC 2004	Max. Marks: 100

Instructions:

SECTION A

Q1.	Answer any 5 questions. Each question carries 2 marks	Marks	CO
A.	Corpus possesssionis	2	1
B.	Rights in rem	2	1
C.	Rule of Law	2	1
D.	Obiter dicta	2	1
E.	Delegated Legislation	2	1
F.	Solitary confinement	2	1

SECTION B

Answer All questions

Q 2. A.	Analyze, Define, differentiate and illustrate between. a. Sole Ownership b. Co - Ownership	5+5	2
B.	Define legislations? Compare and contrast the different sources of law.	4+6	2

SECTION-C

Answer All questions

Q 3. A.	Differentiate and analyse between de facto possession and de jure possession.	5	3
B.	Analyse the essentials of a right. With a help of a tabular representation draw the interrelationship between the various legal concepts surrounding rights.	5+10	3

SECTION-D

Q 3.	Case Study:		
	Four men from a ship, Dilruba face a storm and are trapped in a boat thousand miles from the land in the sea without sufficient food or water. After extinguishing their		

	<p>meagre food they are left with nothing but the vast sea without any sight of land. After going without food and water for seven days, the captain of the ship, Iteqar decides that a lot should be drawn to sacrifice one of the four men so that the other three could survive by feeding on his flesh to which Nawaz agreed. Tanishq refused to follow the method and the cabin boy Chotu was not consulted. After some days Iteqar and Nawaz decided to kill the Chotu. After the killing, the three men fed on the boy's flesh for four days and then they were rescued. Shortly after this chain of events the remaining surviving members are rescued and they are brought to court under murder charges for killing Chotu.</p> <p>Answer the following three questions:</p> <ol style="list-style-type: none"> 1. In the light of the theory of natural justice, deconstruct the elements of crime and necessity. 	20	4
	<ol style="list-style-type: none"> 2. The Realist School opines that the life of law has not been logic; it has been experience. Discuss the aforementioned statement in the light of the case. 	20	4
	<ol style="list-style-type: none"> 3. Map your observations on the pros and cons of the reformatory theory in the light of the aforementioned case. 	10	4