


Name:			
Enrolment No:			
UPES End Semester Examination, December 2023			
Course: Jurisprudence Program: BA.LLB. BBA.LL.B. B.Com.LL.B Course Code: CLCC 4023		Semester: VII Time : 03 hrs. Max. Marks: 100	
Instructions: All questions are compulsory.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Answer the following questions:		
A	What are the essential attributes of customs?	2	CO1
B	How is right in re propria different from right in re aliena?	2	CO1
C	'Grundnorm' was posited by _____	2	CO1
D	'Living Law' was propounded by _____	2	CO1
E	Which one of the following writers have divided jurisprudence into Particular Jurisprudence and General Jurisprudence? (a) Austin (b) Bentham (c) Holland (d) Salmond.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 2	Answer the following questions:		
A	How is preventive theory of punishment different from restorative theory of punishment?	5	CO2
B	Possession is nine-tenth of Ownership. Explain.	5	CO2
C	Is 'State' a personality? What are its essential attributes?	5	CO2
D	Differentiate between Ratio Decidendi and Obiter Dicta	5	CO1

SECTION-C (2Qx10M=20 Marks)			
Q 4	Answer the following questions:		
A	How does American Legal Realism reconcile the unpredictability and variability of judicial decisions, which it emphasizes, with the need for legal certainty and predictability that is essential for the rule of law and economic stability?	10	CO3
B	In Savigny’s words law- <i>is first developed by custom and popular faith, next by judicial decisions—everywhere, therefore, by internal silently operating powers, not by the arbitrary will of a law-giver.</i> Against this backdrop, critically evaluate the applicability of Savigny's concept of Volkgeist in the modern global context and specifically in the context of India, where various communities are actively pursuing legal means to revive and protect their cultural heritage.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 5	Answer the following questions:		
A	Imagine a scenario in which a property owner, Alice, claims that she has an absolute right to exclude anyone from her property. On the other hand, a neighboring community argues that they have a right to access a nearby public resource that happens to be located on Alice's property. Apply Hohfeld's conceptual framework to analyze the rights involved in this situation. Questions: 1. According to Hohfeld's analysis of rights, how would you categorize Alice's claim of an absolute right to exclude others from her property? Utilize Hohfeld's terminology to define and explain the nature of this right. 2. Apply Hohfeld's distinctions to identify the corresponding legal concepts related to the neighboring community's claim to access the public resource on Alice's property. How would you describe the rights and duties involved in this case?	25 (5+10+10)	CO4

	<p>3. Explore any legal implications that arise from the conflicting rights asserted by Alice and the neighboring community. How might Hohfeld's framework help in understanding the nature of these conflicting claims, and what resolution might be proposed within this conceptual framework?</p>		
B	<p>Roscoe Pound's jurisprudential theories, particularly his concept of "social engineering," emphasize a dynamic interaction between law and society. Evaluate the key elements of Pound's social engineering theory, and critically assess its implications for the role of law in addressing contemporary societal challenges. In your evaluation, consider how Pound's ideas may contribute to a more responsive and adaptive legal system, as well as potential criticisms or limitations of his approach.</p>	25	CO4