


Name:																		
Enrolment No:																		
<b>UPES</b> <b>End-Semester Examination, December 2024</b>																		
<b>Course: Jurisprudence</b> <b>Program: B.A./BBA/B.Com., LL.B. (Hons.)</b> <b>Course Code: CLCC4023</b>		<b>Semester: VII</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	Define censorial jurisprudence.	2	CO1															
Q 2	State the difference(s) between <i>right in re propria</i> and <i>right in re aliena</i> .	2	CO1															
Q 3	Name the jurist who conceptualised the idea of “law-jobs.”	2	CO1															
Q 4	Outline the categories of interests given by Roscoe Pound.	2	CO1															
Q 5	Identify the rights associated with ownership.	2	CO1															
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>																		
Q 6	Indicate the correct order of the following as per their jural correlations and jural opposites discussed by Hohfeld: <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Form of right</th> <th>Jural Correlative</th> <th>Jural Opposite</th> </tr> </thead> <tbody> <tr> <td>Right/Claim</td> <td>Disability</td> <td>Duty</td> </tr> <tr> <td>Privilege/Liberty</td> <td>Liability</td> <td>Disability</td> </tr> <tr> <td>Power</td> <td>Duty</td> <td>Liability</td> </tr> <tr> <td>Immunity</td> <td>No right</td> <td>No right</td> </tr> </tbody> </table>	Form of right	Jural Correlative	Jural Opposite	Right/Claim	Disability	Duty	Privilege/Liberty	Liability	Disability	Power	Duty	Liability	Immunity	No right	No right	5	CO2
Form of right	Jural Correlative	Jural Opposite																
Right/Claim	Disability	Duty																
Privilege/Liberty	Liability	Disability																
Power	Duty	Liability																
Immunity	No right	No right																
Q 7	Distinguish between <i>ratio decidendi</i> and <i>obiter dicta</i> .	5	CO2															
Q 8	Discuss whether an idol can be a legal personality by referring to relevant judgments.	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	<p>Discuss precedent as source of law with appropriate case laws and legal provisions to substantiate your discussion.</p> <p style="text-align: center;"><i>Or</i></p> <p>The Indian judiciary plays a significant role in interpreting laws in ways that adapt to contemporary societal issues, such as privacy and data protection.</p> <p>Analyse how the Realist School of Jurisprudence would assess the Supreme Court's interpretation of the right to privacy as a fundamental right under Article 21 in the landmark <i>Justice K.S. Puttaswamy v. Union of India</i> case. Show how realist jurists like Jerome Frank or Karl Llewellyn would justify judicial behaviour that prioritises practical outcomes over strict legal codes.</p>	<b>10</b>	<b>CO3</b>
Q 11	Compare the preventive and deterrent theories of punishment. Appraise whether continuing with death penalty in India serves the purpose of deterrence and prevention of crimes.	<b>10 (5+5)</b>	<b>CO3</b>
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	<p>The Supreme Court of India is hearing a case challenging a state's decision to ban a traditional community festival known for its unique rituals. The state government argues that some of these rituals go against contemporary views on animal rights and public safety. However, the community claims that these practices are integral to their cultural identity and should be preserved. The Court must decide whether to uphold the ban or protect the festival as an expression of the community's cultural heritage.</p> <p>(i) Apply Savigny's concept of the <i>Volksgeist</i> to discuss how the Court might approach this issue. Should the Court prioritise preserving the cultural and traditional practices of the community, viewing the festival as an expression of the "spirit of the people" even if it conflicts with some modern standards?</p> <p>(ii) Savigny was opposed to rigid codification, suggesting that fixed laws could prevent law from evolving naturally within a society. In light of this perspective, should the Court take a flexible approach, considering the cultural importance of the festival over strict legal standards, or should it enforce a uniform application of laws that prioritise public welfare?</p>	<b>25</b> <b>(12.5+12.5)</b>	<b>CO4</b>
Q 13	Rights often come with corresponding duties, but in a complex society, conflicts between individual and collective rights can arise. In the context of the right to protest in India, particularly referencing the <i>Amit Sahni v. Commissioner of Police</i> (Shaheen Bagh protest case), the balance between individual freedoms and public order emerges as a central issue.	<b>25</b> <b>(12.5+12.5)</b>	<b>CO4</b>

	<p>In this context, answer the following:</p> <ul style="list-style-type: none"><li>(i) Demonstrate the jurisprudential basis of the right to protest in India, considering both individual rights and public order.</li><li>(ii) Illustrate how jurists like Hohfeld and Bentham would conceptualise the relationship between rights and duties in such contexts. Refer to the Hohfeldian analysis of rights and Bentham's utilitarianism.</li></ul>		
--	---	--	--