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## UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2017

Program: BA.LL.B Energy Laws

Subject (Course): Jurisprudence

Course Code : LLBL 203

No. of page/s: 2

Semester – V

Max. Marks : 100

Duration : 3 Hrs

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**Instruction-** This question paper contains four sections. You are required to answer each section and questions contained therein as per the given instruction. All questions are compulsory.

### Section A :( Short Answers)

Answer all questions (2\*5=10)

1. Antiquity
2. Subordinate Legislation
3. Fee simple Ownership
4. Contingent Rights
5. Ratio Decidendi
6. Person of Inherence

### Section B: (Conceptual Questions)

(Answer any two questions) (10\*2 = 20 Marks)

1. What are the essentials of Ownership? (10 Marks)
2. What are the essentials of a valid custom? ( 10 Marks)
3. What are the essential features of Incorporation? (10 Marks)

### Section C (Analytical Questions)

(Each Question has an Option. Kindly answer one option) (10\*2=20 Marks)

1. Critically examine Rawls' Theory of justice. Do you feel that Indian Constitution is based on the idea of 'Justice as fairness'? **Or** Explain the Hohfeldian idea of 'Jural Correlatives'.
2. Write a short note on Critical Legal Theory. **Or** Explain 'Social Contract theory' as given by Thomas Hobbes

### Section D: (Application based Questions)

**Attempt all questions (25\*2= 50 Marks)**

1. A poor family in The Republic of Hunger was living in such extreme poverty that they hardly had any food on their plates for about two weeks, with no help arriving from the authorities. Unable to witness the suffering of his family any longer, the head of the family called for a meeting of all members and told them that all of them would soon die due to starvation. To save themselves from the pain of starvation, all the family members decided that they should end their lives by consuming poison. As a result, all of them consumed poison and died, save the head of the family, whom the authorities rescued on time, and arrested for suicide attempt and abetment of suicide. Assuming yourself the Chief Justice of the Republic, decide on the lines of *Explorers Case*.
2. Feminist jurisprudence sees the hitherto development of law and legal reasoning as patriarchal and oppressive regime for women and gender fluid identities. Elaborate this understanding of feminist jurisprudence by giving examples from Indian legal system.



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Section - A [2x5]

- Q.1 Fuller's theory of inner morality of law
- Q.2 Essential features to form a custom
- Q.3 Explain in short the idea of 'Asking women's Question' as a tool of feminist jurisprudence.
- Q.4 Explain the idea of 'Veil of ignorance' as a hypothetical position as propounded by Rawls
- Q.5 Jural Correlatives.

Section- B [2X10]

- Q.6 Critically examine Rawls' Theory of justice. Do you feel that Indian Constitution is based on the idea of 'Justice as fairness'?
- Q.7 Write a short note on Critical Legal Theory.

Section- C [2X10]

- Q.8 The contention that 'laws' are only what judges and officials do is somewhat unusual meaning of the word. Statutes and Precedents are followed because they are laws already. When it is stated that statutes are accepted by the courts as capable of imparting to propositions the quality of 'law', this implies that statutory rule will be accepted by them as 'law'. Explain the above statement with suitable justifications
- Q. 9 The natural law is nothing else but a participation of the eternal law in a rational creature, that is the dictates revealed by reason reflecting on natural tendencies and needs. The primary precept of the law is that good should be done and pursued and evil is avoided and on this are founded other principles of Law. Analysis this Statement in the light of the theory propounded by St. Thomas Aquinas.

Section D (25\*2=50 Marks)

Q. 10 In the *Republic of Covfefe*, singing songs was prohibited. On a particular evening, Ms. Maggi caught her brother, Mr. Noodle, singing loudly in their living room and reported it to the policeman walking past their house. The policeman arrested Mr. Noodle, who was later held guilty following the due process of law of Republic of Covfefe. Some years later, another nation, *Republic of Indiana*, attacked Republic of Covfefe and occupied it. After its victory in the war Republic of Indiana decided that prohibiting singing was arbitrary. All those who participated in such prosecution were guilty of violating the human rights of the prosecuted and should be punished accordingly. As a result, both Ms. Maggi and the policeman were sent to jail. Decide.

Q.11 'The idea of human rights . . . when extended beyond a few very general and negative rights, does not liberate us; it turns us into feral egotists who are at the same time dependent. This effect can be seen in our schools, where children do as they please because, with the native cunning of youth, they have realized the permissive possibilities inherent in the notion of their rights. I can only say how relieved I am that I shall not be around to see the full flowering of the human-rights culture in the years to come.' (Theodore Dalrymple, 'Wronged By Our Rights,' *Spectator*, 24 Apr 2004). Explain the above statement in the wake of abuse of human rights in the contemporary legal system.