

Roll No.

SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Jurisprudence
Course Code: CLCC2004
Semester: VI
Programme: B.TECH.(CSE), LL.B. (Hons.) Cyber Laws / IPR

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

| S. No. | | Marks | CO |
|---------------|--|--------------|------------|
| 1 | According to Pound, the common law still bears the impress of individual rights. In order to achieve the purposes of the legal order, there has to be a recognition of certain interests, individual, public and social, a definition of the limits within which such interests will be legally recognized and given effect to, and the securing of those interests within the limit as defined. Based on the above excerpt identify the relevant theory and explain how this theory can/cannot be used to answer conflicting ideologies like in the cases of homosexuality, prostitution and reservation in India | 20 | CO4 |
| Ans. | | | |
| 2. | The plight of people who live on pavements and slums in the city of Bombay. They have made such areas their homes which exist in the midst of filth and squalor. These are the people who made both of the ends of the day meet in ambiguity, there is little hope of elevation of status between them. They came before the Honourable Supreme Court to get back their homes from which they have been evicted by the municipal authority for the city. Such snatching up of their homes is a violation of their Article 21. The major contention from their side that they have made these places their homes, as they are near the place where they work, which in turn provide them great assistance. So, this also infringes Article 19(1)(e) as they will be in a great difficulty | 20 | |

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| | to reach their workplace. To live a life or to exercise the right to live they should also have right to livelihood and without this such exercise is not possible. Thus, the act which is the Bombay Municipal Corporation Act under which such evictions have been carried out is of arbitrary in nature and fanciful. | | |
| a. | Analyse the decision by court and Its jurisprudential outlook. | 10 | CO3 |
| Ans. | | | |
| b. | In the present case whether theory of social engineering can be applied. | 10 | CO 2 |
| Ans. | | | |
| 3 | Decide the status (Possession leis with whom and why) 1. If one puts some money in a box and locks up the same with key. Has no physical contact with the box 2. A person has some money in his pocket and the some is dropped on the road. The money dropped on the road is possessed by 3. In the case of tamed animals like cow, dog, horse etc. if the physical control over them is lost 4. A person finds bundle of banknotes on the floor of his shop that were dropped by a stranger by accident | (5*4) 20 | CO3 |
| Ans. | | | |
| 4. | A juristic person is thing, the mass of assets, a community of human beings or an organization on which one can apply the legal law. Juristic personality is the capability to have legal rights and duties. The nature of legal personality is a prior need for legal capacity and ability of any legal person to amend rights and duties. For the Judicial person, one has to incorporate in accordance with the law. On the other hand for the natural person, one has to acquire legal personhood by birth. Comment on the above excerpt citing four examples of how legal personality is acquired. | 20 | CO3 |
| Ans. | | | |
| 5. | A right is an interest recognised and protected by a rule of right. It is an interest, respect for which is a duty and disregard of which is a wrong' Establish co relationship with legal right and legal duty. Further provide the ways in which rights can be classified. | 20 | CO1 |
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I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.