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 **PRESIDENCY UNIVERSITY**

**BENGALURU**

**SCHOOL OF LAW**

**SUMMER TERM END TERM EXAMINATION – AUGUST 2024**

**Semester:** 2023-24 **Date:** 12-08- 2024

**Course Code:** LAW 2027 **Time:** 09.30 AM – 12.30 PM

**Course Name:** Jurisprudence **Max Marks:** 100

**Programme:** BA LLB (Hons.) **Weightage:** 50%

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Question paper consists of 3 parts.*
3. *Scientific and non- programmable calculators are permitted.*
4. *Do not write any information on the question paper other than the Roll number*

**PART A**

**ANSWER ANY FOUR QUESTIONS 4Q x 5M = 20 MARKS**

1. Compare and contrast jurisprudence and legal theory, highlighting their key differences and similarities.
2. Define jurisprudence and explain its scope and utility.
3. Summarize the main arguments presented in the Hart-Devlin debates regarding the relationship between law and morality.
4. Differentiate between ratio decidendi and obiter dicta in judicial precedents. How does this distinction impact the principle of stare decisis?
5. Explain the will theory and the interest theory of rights. How do these theories differ in their approach to understanding legal rights?
6. List and briefly describe the concept of law that formed the basis of the major jurisprudential schools of thought.

**PART B**

**ANSWER ANY FOUR QUESTIONS 4Q x 10M = 40 MARKS**

1. Critically assess the conflict between law and morality as presented in "The Case of the Speluncean Explorers." Which judge's opinion do you find most convincing and why?
2. In Legalia, during an economic crisis, the "Prosperity Act" was passed, requiring citizens with over 10 million Legalian dollars to contribute 50% of their wealth to a national fund. The Act applied retroactively for 20 years, suspended the right to appeal for five years, and imposed severe penalties for evasion. It reduced poverty but caused capital flight and decreased foreign investment. Five years later, a new government passed the "Restoration of Rights Act," returning confiscated wealth and releasing those imprisoned for evasion, without compensating beneficiaries of the poverty alleviation programs. Examine this scenario in light of the Hart – Fuller Debate. Explain how each philosopher might approach this scenario.
3. In the coastal village of Seavale, a centuries-old custom dictates that all fishing boats must contribute 10% of their daily catch to a community pool. This pool is then distributed among the village's elderly and disabled residents who cannot fish themselves. The practice has been followed consistently for generations, and most villagers believe it to be legally binding. Recently, a new fishing company, OceanHarvest Ltd., began operations in Seavale. They refuse to participate in this custom, arguing that it's not a legal obligation. The village elders insist that the custom is valid and enforceable. Examine the validity of the custom and differentiate the same against legislation.
4. In the landmark case of Smith v. TechCorp (2020), the Supreme Court ruled that employers cannot access employees' personal social media accounts without consent, citing privacy concerns. Now, the lower court faces Wilson v. DataFirm (2024), where an employer accessed an employee's personal cloud storage account without permission, leading to the employee's termination. The cases share similarities in that both involve employer access to personal digital spaces without consent. However, they differ as Smith dealt with social media, while Wilson concerns cloud storage. Analyse the facts in light of the doctrine of stare decisis.
5. Examine the differences between possession and ownership in legal theory. How do these concepts relate to the theories proposed by various schools of jurisprudence?
6. Compare the theories of personality proposed by different schools of jurisprudence. How do they influence modern concepts of legal personhood?

**PART C**

**ANSWER ANY TWO QUESTIONS 2Q x 20M = 40 MARKS**

1. Compare and contrast the theories of ownership proposed by different schools of jurisprudence. How do these theories reflect different philosophical assumptions about the relationship between individuals, property, and society?
2. Examine the concept of "living law" as proposed by Ehrlich in the Sociological School. How does this concept challenge traditional notions of law? Provide examples of how "living law" might operate in modern society.
3. Compare and contrast the Natural Law School and the Analytical Law School, focusing on their fundamental assumptions about the nature of law. Evaluate which approach you believe is more relevant in contemporary legal systems and why.