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 **PRESIDENCY UNIVERSITY**

  **Bengaluru**

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| **End - Term Examinations – JANUARY 2025** |
| **Date:** 15- 01- 2025 **Time:** 01:00 pm – 04:00 pm |

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| **School:** SOL | **Program:** BA LL.B/BBA LL.B/B.Com LL.B. (HONS.) |
| **Course Code :** LAW2027 | **Course Name :** JURISPRUDENCE |
| **Semester**: III | **Max Marks**: 100 | **Weightage**:50% |

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| **CO - Levels** | **CO1** | **CO2** | **CO3** | **CO4** | **CO5** |
| **Marks** | **12** | **39** | **61** | **41** | **10** |

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Do not write anything on the question paper other than roll number.*

**Part A**

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| **Answer ALL the Questions. Each question carries 2marks. 10Q x 2M=20M** |
| **1** | Explain the ‘Veil of Ignorance’ in John Rawls’s theory. | **2 Marks** | **Comprehension** | **CO3** |
| **2** | Briefly discuss the concept of the ‘Fact skepticism’. | **2 Marks** | **Comprehension** | **CO4** |
| **3** | Provide Bentham’s definition of Law. | **2 Marks** | **Comprehension** | **CO3** |
| **4** | Explain ‘rules of adjudication’. | **2 Marks** | **Comprehension** | **CO3** |
| **5** | Define jurisprudence as per Salmond. | **2 Marks** | **Knowledge** | **CO1** |
| **6** | Provide two criticisms of historical school of jurisprudence.  | **2 Marks** | **Knowledge** | **CO4** |
| **7** | Briefly explain the significance of custom as a source of law. | **2 Marks** | **Comprehension** | **CO2** |
| **8** | Explain “Jurisprudence is Lawyer’s extraversion”.  | **2 Marks** | **Comprehension** | **CO2** |
| **9** | Explain ‘Bad Man theory’ and name the jurist associated with it.  | **2 Marks** | **Comprehension** | **CO4** |
| **10** | Explain the significance of ‘precedent’ as a source of law. | **2 Marks** | **Comprehension** | **CO2** |

**Part B**

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| **Answer the Questions Total 80 Marks** |
| **11.** | **a.** | Discuss the significance of Ehrlich’s concept of living law in addressing the gap between formal legal frameworks and actual societal practices.  | **10****Marks** | **Comprehension** | **CO4** |
| **or** |
| **12.** | **a.** | Critically evaluate the influence of American Realism on judicial activism. Discuss whether such activism strengthens or undermines the rule of law in a constitutional democracy like India. Give relevant examples and case laws. | **7+3****Marks** | **Analysis** | **CO4** |
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| **13.** | **a.** | Jurisprudence offers diverse perspectives on the nature and purpose of law. Examine how the study of jurisprudence aids lawmakers, judges, and lawyers in resolving practical conflicts with special reference to India. Use case laws to support your arguments. | **7+3****Marks** | **Comprehension** | **CO5** |
| **or** |
| **14.** | **a.** | Maine's theory of legal evolution underscores the shift from static societies to progressive societies. Elaborate. | **10****Marks** | **Comprehension** | **CO3** |

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| **15.** | **a.** | Discuss the limitations of Bentham’s utilitarian approach in addressing ethical dilemmas where the rights of minorities are at stake, such as in cases involving religious freedoms or affirmative action policies. Provide examples to illustrate your arguments. | **7+3****Marks** | **Application** | **CO3** |
| **Or** |
| **16.** | **a.** | The Speluncean Adventurers case offers diverse perspectives on legal interpretation. Critically analyze the reasoning of each judge. Further, discuss its relevance in understanding contemporary debates on judicial activism versus judicial restraint. | **7+3****Marks** | **Analysis** | **CO1** |

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| **17.** | **a.** | Law is often a reflection of societal needs. Explain Roscoe Pound's theory of social engineering and discuss how the theory can address the dynamic challenges of regulating social media platforms, balancing freedom of speech with the need to curb misinformation and hate speech. | **10+5****Marks** | **Application** | **CO4** |
| **Or** |
| **18.** | **a.** | Compare and contrast the social contract theories of Hobbes, Locke and Rousseau.  | **5+5+5****Marks** | **Analysis** | **CO3** |

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| **19.** | **a.** | Rawls’s theory of justice emphasizes the veil of ignorance in creating just societies. Examine this concept in the context of framing laws on contentious issues, such as the distribution of natural resources or access to healthcare. Does Rawls’s framework adequately address the challenges posed by power imbalances in society? Discuss. | **10+5****Marks** | **Comprehension** | **CO3** |
| **Or** |
| **20.** | **a.** | Analyze the significance and differences between the concepts of ownership and possession. | **10+5****Marks** | **Analysis** | **CO2** |

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| **21.** | **a.** | According to Gray, a legal right is “that power which a man has to make a person or persons do or refrain from doing a certain act or acts, so far as the power arises from society imposing a legal duty upon a person or persons”. In light of the above statement, explain the concept of Rights, theories of rights and kinds of rights. | **20****Marks** | **Comprehension** | **CO2** |
| **Or** |
| **22.** | **a.** | “If we consider the structure which results from the combination of primary rules of obligation with the secondary rules of recognition, change and adjudication, we have the heart of a legal system”. Discuss the H.L.A. Hart’s aforementioned statement. Also, provide how he improved upon Austin’s theory on positivism.  | **15+5****Marks** | **Comprehension and Analysis** | **CO3** |

**\*\*\*\*\* BEST WISHES \*\*\*\*\***