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PRESIDENCY UNIVERSITY BENGALURU

**SET-B**

SCHOOL OF LAW

**END TERM EXAMINATION – MAY/JUNE 2024**

**Semester :** Semester VIII - 2020

**Course Code :** LAW102

**Course Name :** Jurisprudence

**Program :** BA LLB Honors

**Date :** June 06, 2024

**Time :** 1:00 PM - 4:00 PM

**Max Marks :** 100

**Weightage :** 50%

**Instructions:**

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

**PART A**

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

* 1. Briefly explain the relevance of Hart-Devlin Debate with respect to contemporary India.

(CO1) [Knowledge]

* 1. Describe different kinds of Possession with relevant examples.
  2. Elucidate upon the social contract theory of John Locke.

(CO2) [Knowledge] (CO3) [Knowledge]

* 1. "The movement of the progressive societies has hitherto been a movement from Status to Contract". Explain the given statement and name the jurist associated with it.
  2. Expound the advantages of 'Precedent' as a source of law over 'Legislation'.
  3. Explain in brief Duguit's concept of Social Solidarity.

(CO4) [Knowledge] (CO2) [Knowledge] (CO4) [Knowledge]

**PART B**

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

* 1. The Constitution of State of Alfea provides protection against 'ex post facto laws'. After recent elections, the new government removes the protection by amending the Constitution. Further, a retroactive legislation is passed to criminalize certain acts which were legal in the past. Analyze this situation in the context of arguments made in the Hart-Fuller Debate.

(CO1) [Application]

* 1. Explain the concept of 'Ownership' from Austin's and Salmond's point of view. Provide rational criticism for both approaches.

(CO2) [Application]

* 1. Consider a scenario where a government is considering whether to legalize same-sex marriage. Utilize John Rawls' theory of justice as fairness to assess the implications of legalizing or prohibiting same-sex marriage.

(CO3) [Application]

* 1. In an effort to modernize the legal system, the government of Xorshava proposes to codify and reform various customs through statutory law. However, some community leaders argue that this process undermines the flexibility and organic nature of customary law. Discuss.

(CO4) [Application]

* 1. The 'personhood' of a human being commences on birth and ceases at death. In light of this, evaluate the concept of 'personality', its theories and the legal status of animals, an unborn child and a dead human being.

(CO2) [Application]

* 1. The State of Stoveshvar, a former colony inherits the legal system of its colonizer but faces challenges in its implementation subsequently. How would Savigny’s theory of Volksgeist address the given issue? Elucidate.

(CO4) [Application]

**PART C**

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

* 1. An ecologically sensitive area in the State of Patishapta is identified for a major economic development project that promises substantial financial returns. According to Pound's Social Engineering theory, how should environmental laws be crafted to reconcile the economic interests of the State with the public interest to protect the environment?

(CO4) [Analysis]

* 1. According to Holland, a right is "a capacity residing in one man of controlling, with the assent and assistance of the State, the actions of others". In light of the given statement, discuss the concept, elements, theories, and kinds of legal rights.

(CO2) [Analysis]

* 1. A popular revolution leads to the overthrow of the existing government in the State of Oitzilla and the creation of a new legal order. The old regime’s supporters claim the new laws are illegitimate. In light of the given situation, discuss Kelson's Pure Law Theory and Grundnorm Theory with respect to the legitimacy of laws.

(CO3) [Analysis]