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PRESIDENCY UNIVERSITY BENGALURU

 **SET-A**

SCHOOL OF LAW

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

**Semester:** Semester IV- 2022

**Course Code:** LAW2027

**Course Name:** Jurisprudence

**Program:** BA LLB, BBA LLB, BCOM LLB Honors

**Date :** June 10, 2024

**Time :** 9:30 AM - 12:30 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. Summarise the key theories propounded by the jurists of the Natural Law School.

(CO1) [Knowledge]

1. Propose ways in which legal systems can better balance the protection of individual rights and public interests, in light of different jurisprudential theories.
2. Analyze the impact of Savigny’s theories on modern legal systems.
3. Evaluate the importance of economic and social rights in the modern legal systems.
4. Compare Hobbes' idea of the Social Contract with modern concepts of government.
5. Outline how jurisprudence can help in understanding the evolution of legal systems.

(CO2) [Knowledge] (CO4) [Knowledge] (CO2) [Knowledge] (CO3) [Knowledge] (CO1) [Knowledge]

**PART B**

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

1. Discuss in detail the Law and Morality relationship in light of HLA Hart's conception of law, with suitable illustrations.

(CO3) [Application]

1. India considers reforms to its education system. Propose changes informed by Jeremy Bentham's principle of utility to enhance educational outcomes and promote equal opportunities for all students.

(CO3) [Application]

1. **Scenario**: Women’s inheritance rights in rural India are often undermined by traditional customs that favour male heirs. Despite legal provisions ensuring equal rights, women frequently face social and familial pressures that prevent them from claiming their rightful inheritance.

**Question**: Explain how Savigny’s theory of Volksgeist can be applied to gradually change these customs through legal reforms sensitive to local traditions and values.

(CO4) [Application]

1. Explain in detail the basic premise of the sociological school of jurisprudence with special emphasis on its relevance in the Indian context.

(CO4) [Application]

1. Hobbes described Law as the command of a determinate superior that has coercive powers. Critically Analyze.

(CO2) [Application]

1. India's criminal justice system faces criticism for its high rates of incarceration and disproportionate impact on marginalized communities. Show how Rousseau's theory of the social contract can inform reforms that prioritise rehabilitation and reintegration over punitive measures, thereby promoting a more humane and effective approach to criminal justice.

(CO3) [Application]

**PART C**

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

1. **Scenario**: In India, the push for a Uniform Civil Code aims to replace personal laws based on the customs of various religious communities with a single set of secular laws.

**Question**: Delve upon the perspectives of Savigny, especially the concept of Volkgeist, on implementing a Uniform Civil Code in India. How would Savigny view the impact of replacing traditional customs with a uniform legal framework?

(CO4) [Analysis]

1. **Scenario**: India has implemented a comprehensive welfare scheme, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), aimed at providing job security and improving livelihood in rural areas.

**Question**: Analyze how Jeremy Bentham’s utilitarian principles would support or criticise MGNREGA. What aspects of Bentham’s theory justify or oppose the extensive resource allocation to this welfare scheme?

(CO3) [Analysis]

1. **Scenario**: A constitution is being drafted for a new society, and there is a proposal to include a declaration of natural rights. These rights would guarantee freedoms such as speech, religion, and property ownership, irrespective of government policies.

**Question**: Interpret Locke’s theory of natural rights in the context of this proposal. How would Locke justify the inclusion of natural rights in the constitution?

(CO3) [Analysis]