



Roll No.

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MIDTERM EXAMINATION

Even Semester: 2018-19

Course Code: LAW 102

Course Name: Jurisprudence

Programme & Sem: BBA/B.Com/BA LL.B (Hons.) & VI Sem

Date: 02 April 2019

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Instructions:

(i) **Answer all the questions**

Part A

Answer **both** the Questions. **Each** question carries **ten** marks.

(2Qx10M=20)

1. Critically examine Austin's theory of Law.
2. Explain classification of society in progressive and static society given by Henry Maine.

Part B

Answer **both** the Questions. **Each** question carries **ten** marks.

(2Qx10M=20)

3. According to Savigny laws should represent 'general consciousness' of society. Critically examine.
4. What are different kinds of ownership? Give suitable examples

Part C

Answer **both** the Questions. **Each** question carries **ten** marks.

(2Qx10M=20)

5. Explain concept of Social solidarity given by Duguit.
6. Sociological school states that function of law is to balance conflicting interest in society.
In light of this theory explain concept of social engineering given by Roscoe Pound.



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PRESIDENCY UNIVERSITY
BENGALURU
SCHOOL OF LAW

END TERM FINAL EXAMINATION

Even Semester: 2018-19

Date: 23 May 2019

Course Code: LAW 102

Time: 3 Hours

Course Name: Jurisprudence

Max Marks: 80

Program & Sem: BBA/B.Com/BA.LL.B.(Hons.) & VI Sem

Weightage: 40%

Instructions:

(i) Answer all questions

Part A

Answer **all** the Questions. **Each** question carries **ten** marks.

(2Qx10M=20M)

1. Match the following -:

- | List A | List B |
|---------------------------------------|--------------------------------------|
| 1. Jural postulates | a. General consciousness |
| 2. Bracket theory | b. Austin |
| 3. Father of Analytical jurisprudence | c. Hohfeld |
| 4. Jural correlatives | d. Theories of Corporate personality |
| 5. Volkgesit | e. Roscoe Pound |

2. Fill in the blanks -:

- Jural correlative of right is -:
 - Duty
 - Power
 - Immunity
 - Liberty
- Which of the following is not essential of valid custom -:
 - Consistent with constitution
 - Time immemorial
 - Reasonable
 - Inconsistent with other laws
- Delegated Legislation is a kind of -:
 - Supreme
 - Subordinate
 - Proper
 - None of the above

- iv. Book Leviathan is written by
 - a. Austin
 - b. Bentham
 - c. Hobbes
 - d. Cicero
- v. Sources of law according to Salmond -:
 - a. Formal and material
 - b. Proper and improper
 - c. Primary and secondary
 - d. None of the above

Part B

Answer **all** the Questions. **Each** question carries **ten** marks. (3Qx10M=30M)

- 3. What do you understand by doctrine of Precedent? Explain 2 theories of precedent with suitable examples.
- 4. Practice of Devdasi was being followed in Southern Part of country as a custom for around 80 years. Devadasi system is a religious practice whereby parents marry a daughter to a deity or a temple. This marriage usually occurs before the girl reaches puberty. In recent decades, the practice has been used to push young girls into prostitution. While various state governments have enacted laws to stop such practices, the tradition remains entrenched in some parts of the country, especially some southern most states.
The practice of Devadasi system in any form is in total contravention of the provisions of Section 370 and 370A as amended through Criminal Law (Amendment) Act, 2013 as well as Section 372 of Indian Penal Code. It is also against Immoral Traffic (Prevention) Act. Is this custom valid? Support your answers with relevant examples.
- 5. Discuss different kind of rights with suitable examples.

Part C

Answer **all** the Questions. **Each** question carries **ten** marks. (3Qx10M=30M)

- 6. Read brief facts and judgment of leading case which has decriminalize Adultery under Indian Penal Code and find out the Ratio Decidendi and Obiter Dicta of the case.

Sabarimala in Kerala barred women aged between 10 and 50 from entering the temple. It is one of the largest Hindu pilgrimage centres visited by 50 million devotees every year. The rules which mandate the ban were listed in Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules of 1965. A timeline of the events before the ban was struck down.. he Supreme Court has struck down a rule that disallowed girls and women in the 10-50 age group from entering the Sabarimala temple in Kerala. Chief Justice Dipak Misra-headed Constitution bench in a 4-1 verdict said the temple rule violated their right to equality and right to worship.

The denial of this right to women significantly denudes them of their right to worship," the court said. Justices AM Khanwilkar, RF Nariman concurred with the CJI.

Justice DY Chandrachud termed the custom as a form of "untouchability" which cannot be allowed under the Constitution. "Article 17 certainly applies to untouchability practices in relation to lower castes, but it will also apply to the systemic humiliation, exclusion and subjugation faced by women."

"Prejudice against women based on notions of impurity and pollution associated with menstruation is a symbol of exclusion. The social exclusion of women based on menstrual status is a form of untouchability which is an anathema to constitutional values."

In any event, he said, the practice of excluding women from the temple at Sabarimala is not an essential religious practice. "The court must decline to grant constitutional legitimacy to practices which derogate from the dignity of women and to their entitlement to an equal citizenship.

- 7. Delegated legislation has become a necessary evil. Discuss need for Delegated legislation and ways by which control can be exercised on delegated legislation.
- 8. Explain following terms -: (5Qx2M=10)
 - a) Concession theory
 - b) Legal personality of an unborn child
 - c) Contingent ownership
 - d) Supreme legislation
 - e) Realist School