

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2018

Course: Jurisprudence

Course Code: LLBL 203

Semester: Vth

Programme: B.A.,LL.B. (Criminal/Labour Law), B.B.A.,LL.B (Corporate Law),

B.B.A.,LL.B(BFSI/ITIL),B.A.,LL.B(Energy Laws)

Time: 03 hrs.

Max. Marks: 100

Instructions: Read the questions carefully and substantiate with relevant sections and case laws.

SECTION A

S. No.		Marks	CO
Q 1	Explain any 5 of the following : a. Social Solidarity b. Ratio Decidendi c. Immunity d. Legal Personality e. Injuria Sine Damno f. Jus Tertii	2X5 (10)	CO1

SECTION B

Q 2	Define the term Rights with help of definitions given by various jurists and thinkers. Elucidate the essential elements of Rights as propounded by Salmond.	10	CO2
Q 3	The term Jurisprudence has meant different things at different times. The variation is due to different methods of inquiry and approach to the study of the subject. In lieu of the above statement define Jurisprudence. What is the scope and utility of Jurisprudence as a subject. Also point out the inter-relationship of Jurisprudence with other Social Sciences.	10	CO3


SECTION-C

Q 4	Possession is nine points of law'. Explain the concept of Ownership vis a vis Possession with the help of illustrations.	10	CO5
Q 5	The personality of a human being may be said to commence with his birth and ceases with his death. With the help of leading cases explain the Legal Status of: - a. Dead Person b. Idol	10	CO3

SECTION-D

Q 6	A juvenile named Chris has allegedly molested and sexually harassed a girl aged 16 years. She is his classmate in school. Both study in Class 10. The two were in a consensual relationship for two years. Chris became depressed after the break-up and	20	CO5
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	<p>this reflected in his academic decline and his social associations. He started isolating himself from his friends and family. He started bullying his ex-girlfriend on social media. He also kept calling her up continuously forcing her to resume the relationship. After she stopped responding to his calls and blocked her social media accounts, he took to alcohol and drugs. His mental health deteriorated. He finally broke into her house late night and threatened to rape her if she did not resume their relationship. As she was screaming and fighting off his advances, her parents entered the room and pushed away Chris. They locked him into a room until the police arrived. Chris's parents are completely shocked as they were unaware of all the incidents. They plead to the girl's parents not to file a FIR but a FIR is filed on the basis of molestation, attempt to rape, sexual harassment and stalking. As the court proceedings are going on, Chris's parents have taken him to psychiatrist and his mental health is improving. He is finally realising the nature of his actions and their effect. He apologises to the girl and her family. On the basis of the Theories of Punishment, write your Judicial Opinion.</p>		
Q 7	<p>In Indian Young Lawyers Association v. State of Kerala, the Supreme Court struck down a rule that disallowed girls and women in the 10-50 age group from entering the Sabarimala temple in Kerala. Chief Justice of India, Justice Dipak Misra-headed the Constitutional bench in a 4-1 verdict said that the temple rule violated their right to equality and right to worship. The only note of dissent came from Justice Indu Malhotra. Justice Malhotra batted for letting faith be, however irrational. "In a secular polity, issues which are matters of deep religious faith and sentiment must not ordinarily be interfered with by courts."</p> <p>Critically analyze the judgment based on jurists from any School of Law.</p>	20	CO5
Q 8	<p>With the help of Hohfeld's Table of Legal Concepts, explain the following</p> <p>d) Jural Correlatives e) Jural Contradiction f) Jural Opposites</p>	10	CO4

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SECTION A

S. No.		Marks	CO
Q 1	<p>Explain any 5 of the following :</p> <ul style="list-style-type: none"> a. Mensrea b. Strict Liability c. Corpus possession d. Jus Tertii e. Expiatory theory f. Stare Decisis 	2X5 (10)	CO1

SECTION B

Q 2	<p>The term jurisprudence has meant different things at different times. The variation is due to different methods of inquiry and approach to the study of the subject. In lieu of the above statement define Jurisprudence. What is the scope and utility of Jurisprudence as a subject. Also point out the inter-relationship of Jurisprudence with other Social Sciences</p>	10	CO2
Q 3	<p>Define the term Rights with help of definitions given by various jurists and thinkers. Elucidate the essential elements of Rights as propounded by Salmond.</p>	10	CO3

SECTION-C

Q 4	<p>Define delegated Legislation. What were the factors that necessitated the growth of delegated Legislation? In order to ensure that the delegated legislation is not misused it has been subjected to certain controls, discuss with the help of illustration.</p>	10	CO3
Q 5	<p>Analyze, Define, and Illustrate with the help of examples.</p> <ul style="list-style-type: none"> a. Parole b. Probation. 	10	CO5

SECTION-D

Q 6	<p>The Me Too movement (#MeToo movement), with many local and international alternatives, is a movement against sexual harassment and sexual assault. #MeToo</p>	20	CO5
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	<p>spread virally in October 2017 as a hashtag used on social media in an attempt to demonstrate the widespread prevalence of sexual assault and harassment, especially in the workplace. It followed soon after the sexual misconduct allegations against Harvey Weinstein. Several lists and accounts of alleged rapists, harassers and incidents pertaining to sexual violence against women started spreading on social media in India.</p> <p>Critically analyse the Me Too movement through the lens of Feminist Jurisprudence.</p>		
Q 7	<p>Disallowing women of menstruating age from entering into a temple violated their fundamental rights under Article 14 & 21 of the Indian Constitution . Corroborate the above statement with the help of recent judgement of the Hon'ble Supreme Court of India.</p>	20	CO5
Q 8	<p>Hohfeldian's tabular representation of the inter-relationship between the jural concepts is of utmost importance the reason being it shows that a legal relationship between Legal Concepts does not give rise to only one right and one duty but also to other concepts such as claims, immunity, power. Explain with the help of Hohfeldian's table the inter-relationship between these Jural Concepts.</p>	10	CO5