

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Jurisprudence Code: CLCC2004
Programme: B. Tech LL.B (CSE/IPR)

Semester: X

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	<p>A group of people go to explore caves and end up getting trapped in a cave with very meager resources and amenities to last them. As a rescue team is set to work to get these men out of the cave, the clock keeps ticking and the men are deprived of food and water. Then one of the members (B) who are trapped in the cave comes up with a suggestion of casting lots and killing a member and feeding on that person's flesh and through this way survives a bit longer until they are rescued. This is at first opposed by all the members but later on agreed. It is very important to note that this idea was suggested only as the last resort. However the person (B) who had originally come up with the suggestion backs out at the last moment, but his fellow men do not agree to him and forcibly cast lots on behalf of him and unfortunately the dicing goes against him and he is put to death. Shortly after this chain of events the remaining surviving members are rescued and they are brought to court under murder charges for killing B. Answer the following two questions:</p> <p>a. Analyse the concept of consent in the aforementioned case in the terms of "Bentham's principle of utilitarianism" and write a judgment.</p> <p>b. Amongst the theories of Punishment, which form of punishment would be applicable in this case and why?</p>	20 (10+10)	3
Ans.			
2	<p>Feminist jurisprudence sees the hitherto development of law and legal reasoning as patriarchal and oppressive regime for women and gender fluid identities. Elaborate this understanding of feminist jurisprudence by giving examples from Indian legal system.</p>	20	3
Ans.			

3	Possession is nine points of law'. Explain the concept of Ownership vis a vis Possession with the help of illustrations.	20	2
Ans.			
4	<i>Navtej Singh Johar & Ors. vs Union of India</i> is a landmark decision of the Supreme Court of India in 2018 that decriminalized all consensual sex among adults in private, including homosexual sex. The Hon'ble Court was asked to determine the constitutionality of Section 377 of the Indian Penal Code, a colonial-era law which among others criminalized homosexual acts as an "unnatural offence". On 6 September 2018, the court unanimously declared the law unconstitutional "in so far as it criminalizes consensual sexual conduct between adults of the same sex" on the basis of Articles 14, 19 and 21 of the Constitution of India. Analyse the above judgment through the lens of the positivism –naturalism debate.	20	3
Ans.			
5	With the help of Hohfeld's Table of Legal Concepts, explain the following 1. Jural Correlatives 2. Jural Contradictories 3. Jural Opposites	20	1
Ans.			

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.