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

Course: Jurisprudence
Programme: BA.LLB., (Energy Laws)

Semester: VI
Course Code-CLCC2004

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>Covid-19 confronted the world with major health challenges. In India, the number of positive cases is on increasing trend and mainly all the hospitals are in full of its maximum capacity. In the prevailing condition, major challenge is to accommodate all the patients in the hospital. In one of the hospital, a situation arose that two patient requested the hospital staff for admission and medical care but they were left with only one bed. Now they have to decide to whom they should give preference. One of the patient out of these two is of the age of 17 years and another is 67 years.</p> <p>If you have to make choice then what would be your decision. Analyze it in the view of Utilitarian perspective and Natural laws perspective.</p>	20	1
Ans.			
2	<p>Even after we are living in a Constitutional democracy the conditions of the Dalit has not improved and they are still thrashed and harassed by the upper class people and</p>	20	2

	<p>this has become the accepted norm of the society. This ultimately makes a mockery of the constitutional ideals of equality. Now government has decided to take some measures by amending existing laws.</p> <p>a) Discuss the possibility of the success of proposed amendment keeping in mind any two schools of Jurisprudence.</p> <p style="text-align: center;">OR</p> <p>b) Evaluate this law from Savigny’s point of view and locate the <i>volks geist</i> in this regard. Identify whether the law is contrary to <i>volks geist</i> or the <i>volks geist</i> is contrary to common will of the society.</p>		
Ans.			
3	<p>“Law should be wisely analyzed and principles underlying therein should be concretized. This crucial process is undertaken perfectly by the political superior for political inferiors. The abstract ideas or metaphysical notions leads to more confusion rather than brining in objectivity. In state of political superior, the commands bind the individual and not the state.”</p> <p>a. Identify and give a detailed overview of the School of Law which the author has referred to in the above paragraph</p> <p>b. Discuss about any two Jurist from this school of law and applicability of this school in the Indian context.</p>	<p>20 (10+10))</p>	<p>3</p>
Ans.			
4	<p><u>Decide the Given problems:</u></p> <p>a) A testator dies leaving behind his property for his wife (B) for her lifetime and on her death to X with a condition that he should survive B, but if X dies during the lifetime of B the property shall be transferred to Y. Explain the kind of ownership vested in X and Y.</p> <p>b) A boy found a purse-containing bundle of banknotes on the floor of a shop. He took all the reasonable steps to find the owner of the purse even though the owner could not be found Decide on the boys’ claim of possession</p>	<p>20 (10+10))</p>	<p>4</p>
Ans.			

5	<p>Mr. 'X' and Ms. 'Z' were married according to the rituals. After marriage 'Z' was managing the household so efficiently that 'X' was able to live a very convenient and respectable life. He was very happy and worked harder in his business. The business grew exponentially and they became very rich. 'X' attained a high status in the society and got a chance to join politics. With increasing of money and power 'X' became more ambitious and started dropping the values. His wife opposed this change of choices and they developed sour relations. This gap between the husband and wife grew to such an extent that 'X' felt that 'Z' is an obstacle in his growth. One day rift increased so high that the husband killed the wife. He cut the body into small pieces and threw it into tandoor. The maid working in the house saw it and informed the police. Initially 'X' tried to manage everything by illegal means and by using his political connections but media and opposition made it a point and finally 'X' was arrested, tried and punished. Court awarded him death penalty which was not reversed or commuted in appeals also.</p> <p>Finally, his father filed a petition challenging death penalty as violative of the fundamental right to life. The petition claimed that the purpose of punishment is to reform the offender and not to take revenge by killing him. Different human rights instruments were also referred to for support to the petition.</p> <p>Decide the case by justifying on the following points:</p> <ol style="list-style-type: none"> a) Support your answer by referring to appropriate theory of punishment while referring case laws. b) Whether capital punishment should be abolished in India? Present your views from jurisprudential perspective. 	10+10	3
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.

