

GUJARAT NATIONAL LAW UNIVERSITY
SILVASSA CAMPUS
 Course: **Jurisprudence**
B.A., LL.B. Semester- III (Batch: 2024-29)
End Semester Examination: Oct-Nov 2025

Date: 31st October, 2025

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: (2 Marks: 150-200 words), (10 Marks:700-1000 words)

Answer any four of the following questions

Marks

- Q.1** In *Dholakpur*, five university students were tried after a demonstration turned violent. The protest had begun as a campaign against the government's decision to allocate a large tract of common land—traditionally used by villagers for grazing and festivals—to a private corporation for industrial development. What started as peaceful sloganeering escalated into clashes, with public buses vandalized, a government office set ablaze, and two staff members sustaining minor injuries. The event unsettled the city, which is caught between its older communal traditions and its newer cosmopolitan aspirations. The incident stirred passions across different quarters. Some voices in the community insisted that the offence was not merely against property but against the very moral fiber that holds people together, and that only through stern punishment could order be restored. Others warned that leniency in such matters would invite repetition, arguing that punishment must carry a message that goes beyond the offenders themselves. There were also those who believed that the real danger lay not in this single act but in the possibility of similar outbursts in the future, urging measures that would keep unrest from recurring. Yet, amidst the clamour, there were a few who wondered whether youthful indignation in defense of a communal resource should condemn lives altogether, suggesting that a chance at reparation and renewal might serve the community better than vengeance or fear. When the matter came before the court, the judge found that the trial was no longer merely about five young men but about what kind of society *Dholakpur* aspired to be. (10)

Drawing on the theories of punishment and Durkheim's analysis of solidarity, examine how the social response to the events in *Dholakpur* can be understood. In your answer, critically evaluate how competing conceptions of solidarity influence society's preference

for retribution, deterrence, prevention, or reform when acts of violence arise from protests grounded in contested social values.

- Q.2** The National Legislature of Bindia passed a series of acts designed to modernize the agricultural sector, specifically to integrate local production into the channels of Globalization. The core mechanism of the reform was the dismantling of the State-regulated marketing board system (*mandis*) and the elimination of the guaranteed Minimum Support Price (MSP) for several staple crops. The government stated that this reform was necessary to facilitate globalization and allow farmers to realize greater value through their Freedom to Contract directly with large-scale buyers. This policy was built on the fundamental premise of the Naturality of Markets, that the market itself is the optimal mechanism for price discovery and resource allocation. (10)

Farmer Rajji, a smallholder, historically sold his harvest through the now defunct regulated *mandi*. Under the new legal framework, he entered into a Forward Sale Agreement with Agro-Global Trade Inc., an international commodities firm. The agreement was a detailed, multi-page document that established a fixed purchase price, which was marginally higher than the previous year's MSP, but incorporated stringent, technical specifications for moisture content, grading, and packaging. The agreement was legally recognized under the new acts as a valid exercise of Freedom to Contract. During the harvest, an unusual weather pattern resulted in a moisture reading that exceeded the tight contractual tolerance by 1.5%. Upon inspection, Agro-Global Trade Inc. invoked the quality clause and rejected 85% of Rajji's delivered load. The new law prohibited Rajji from accessing civil courts for relief. Instead, he was compelled to approach the mandated administrative body, the Sub-Divisional Authority, to challenge the company's decision. The Sub-Divisional Authority reviewed the matter. It determined that the Forward Sale Agreement was a properly executed document reflecting the Freedom to Contract between two independent parties. The Authority upheld the rejection, ruling that the company was justified in enforcing the technical specifications, as the law was designed to allow parties to trade freely. The Authority concluded that the government could not intervene to change the legal terms of a private transaction, even if the outcome caused economic loss.

Relying on methodologies particular to the Critical Legal Theory movement, highlight how hegemonic consciousness, reification, and denial operate within these facts to mystify the legal outcome and shield the underlying structures of economic power.

- Q.3** *“History has moved from the philosopher’s pen, to the revolutionary’s musket, to the romantic’s heart, and with it, law found its home in the spirit of the people.”* (10)

In light of the statement given above, trace the intellectual shift in the understanding of law that led to the Historical School of Jurisprudence. How did the Historical School respond to the limitations of its predecessors?

- Q.4** On the islands of the Andaman, the Jarawa tribe has long lived according to practices that outsiders often describe as “mysterious.” Among themselves, the Jarawas regulate daily life through a network of customs: rules about hunting, sharing of meat, and the conduct of marriage are not written down but remembered and enforced through elders. Sanctions for violation can range from public shaming to exclusion from communal hunts. Members do not speak of these rules as external commands but as part of what it means to live as Jarawa — an identity bound up with the forest, the hunt, and the collective. For generations, attempts by outsiders to intrude into Jarawa territory have been met with fierce resistance, sometimes fatally. Despite warnings and restrictions imposed by the Indian government, a European traveler named Michael decides to enter Jarawa territory, driven by a desire to “study the last untouched society.” He is aware of stories of other foreigners who had been killed in previous encounters, yet he believes his intentions to be peaceful and imagines that his survival will depend only on his ability to negotiate with the tribe. When Michael crosses into their territory, he observes that disputes among Jarawas are handled through ritual gatherings rather than courts, and that no written authority exists to clarify what counts as a valid practice. To his eyes, the tribe’s customs seem inconsistent — in one village, a hunter’s share of meat is divided strictly; in another, it is distributed flexibly depending on need. When Michael asks an elder whether these are “laws,” the elder laughs, replying that “this is simply how we live.” Michael is left puzzled. He notices that rules exist, sanctions are real, and people comply. Yet there is no code, no official judge, and no final authority to resolve disagreements between villages. He begins to wonder aloud: *“Are these really laws, or are they just customs? What makes the difference between a scattered collection of rules and a true legal order? And how can I, as an outsider, ever know whether the Jarawas obey these practices out of fear of exclusion, or because they genuinely believe them to be binding?”* With these questions in mind, Michael turns to you, a student of jurisprudence, seeking clarity.

As a student of jurisprudence, invoking Hart’s ***soft positivism***, respond to Michael’s doubts.

- Q.5** John Finnis seeks to revive the natural law tradition by grounding it in a set of “basic goods” and principles of practical reasonableness, rather than in metaphysical or theological claims. Explain how Finnis articulates the connection between these basic goods and the authority of law. (10)

Write a short note on any five of the following

(5x2)

- a. Realist Theory of Corporate Personhood
- b. Rights in *Re Propria* and Rights in *Re Aliena*
- c. Elements of a Legal Right
- d. Sole Ownership and Co-ownership
- e. *Animus Possidendi*
- f. Incorporeal Possession
- g. Modes of Acquiring Ownership
