

29 AUG 2025

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination April -2025

Semester: UG IV Semester

Subject: Jurisprudence-II

Time: 03 hours

Marks: 100

Instructions:

1. Attempt any five (5) questions.
2. Please specify the question you are answering before providing your response.
3. Each question carries 20 marks and break up of marks for questions with multiple parts is provided along with it.
4. Word limit for 20 marks questions is 600 words.

Q1. "The Constitution is a document. Dharma is a way of life."

Reflect on how Dharma's all-encompassing nature (covering food, thought, speech, conduct) contrasts with law's narrow, event-based scope. What happens when a legal order forgets its ethical soul?

Q2. The Government of Bharatpur has launched a flagship initiative called *Project SurakshaAI*, developed in partnership with a domestic technology company, Prajnatech Solutions Pvt. Ltd., to implement predictive policing in its urban centers. The AI-driven system uses historical police data, live CCTV feeds, and public social media activity to assign "*Civic Risk Scores*" to individuals based on algorithmic profiling. The project is rolled out first in two cities: Nagarseh and Vasantpur, both major urban areas with complex social and economic challenges. Project SurakshaAI is promoted as a smart governance tool designed to prevent crimes before they occur and to optimize police resource allocation. However, after a few months of operation, several troubling trends emerge:

- *Disproportionate Targeting:* Individuals from working-class localities—particularly from the ward of Basti-17 in Nagarseh—are frequently flagged as "high risk," despite no prior criminal record.
- *Opaque Algorithm:* The AI system's code and decision-making criteria are not available for public or judicial scrutiny, as Prajnatech claims trade secret protections.

- *Data Colonialism*: Critics point out that a significant portion of training data was scraped from international platforms like ChatterNet and SnapGram, raising concerns over foreign data infrastructures and citizen privacy.
- *Accountability Void*: A 17-year-old student, Rahil Sharan, was wrongly detained for “loitering with suspicious intent” after his Civic Risk Score spiked. Investigations revealed the score was influenced by algorithmic pattern-matching based on his neighborhood and friend network. Neither the police nor the tech firm accepts full responsibility.

Despite criticism from the Centre for Digital Liberties (CDL) and independent legal scholars, the Ministry of Civic Security defends the system as a national innovation in smart law enforcement.

In view of the abovestated factual matrix, critically evaluate the ethical and jurisprudential challenges posed by the use of AI in law enforcement. In your answer, address the following:

- a) How does this case reflect Roger Brownsword’s theory of technological disruption and legal re-invention?
- b) What issues of fairness, autonomy, and bias arise in the deployment of algorithmic policing?
- c) How does the concept of data sovereignty and data colonialism apply in this case?
- d) What safeguards would you propose to ensure transparency, accountability, and human dignity in such systems?

(5+5+5+5 marks)

Q3. Justice Krishna Iyer argues for a new “*controllerate of dangerous operations*” and “*a code for multinationals*” under Articles 14, 19, 21 of the Constitution. Critically analyse his vision of crisis-management jurisprudence. What procedural and substantive reforms does he propose, and how practicable are they in India’s constitutional framework?

(20 marks)

Q4. Trace how the classical Sanskrit ideas of Niti and Nyaya could inform a judicial reform aimed at speeding up India’s backlog of cases. Which matters more, streamlining rules or ensuring lived justice? Give at least two historical or contemporary examples.

(20 marks)

Q5. *"The existence of a legal obligation does not, by itself, establish a moral duty to obey."*
Discuss with reference to the nature of obligations in jurisprudence and Raz's argument against a general moral duty to obey the law. **(20 marks)**

Q6. Consider the idea that *"a person is any being the law regards as capable of rights and duties."* How would Sen critique this definition in light of his emphasis on capabilities and plural conceptions of justice? **(20 marks)**

31 JUL 2025

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Q1. "Kautilya's king was bound by Dharma. Today's leaders are bound by polling booths."

Compare *Rajadharma* with modern constitutional duties of public office bearers. Which model creates greater accountability and ethical governance?

(20 arks)

Q2. The state of Dakshin Pradesh has launched an ambitious digital welfare reform project called the *JanSuraksha Data Grid (JDG)*, aimed at integrating various government welfare schemes under a single, AI-enabled data infrastructure. The system is managed in partnership with Trinetra TechCorp, a leading domestic data analytics firm. JDG links databases from health, education, food security, and employment programs using biometric and demographic data collected through the Sahaj ID, a state-issued digital identity. The system uses AI to assess eligibility and assign Social Welfare Scores (SWS) to households, which then determine the extent and type of benefits they receive.

Within six months of implementation, **several issues** come to light:

- *Algorithmic Exclusion:* Several families in the remote district of Bhavgarh are delisted from the Public Distribution System due to "low engagement" in digital services, though they remain eligible on paper.
- *Lack of Transparency:* Citizens are not informed of how their SWS is calculated, and local officials themselves are unsure how to challenge the AI-generated outcomes.

- *Data Monopolization*: Though the project is presented as part of India's "data sovereignty" push, the data processing infrastructure is cloud-hosted by an international vendor with servers based abroad.
- *Consent and Autonomy*: Residents were not given a choice in enrolling into Sahaj ID, and many did not understand that their personal and biometric data would be used to determine future entitlements.

Civil society organizations such as the Digital Nyaya Collective argue that JDG has turned welfare into a system of surveillance and automation, lacking human empathy or due process. The state defends it as a necessary modernization step toward targeted, efficient delivery.

In view of the abovestated factual situation, critically examine the implications of data governance in welfare delivery. In your answer, discuss:

- How does the JDG system reflect the shift from rule-based to code-based regulation, as described by Roger Brownsword?
- What are the ethical and legal implications of using AI and biometric data in determining welfare entitlements?
- Does the rhetoric of data sovereignty in this case reflect a truly decolonial approach? Why or why not?
- What legal and regulatory safeguards would be necessary to ensure justice, inclusion, and transparency in digital welfare systems?

(5+5+5+5 marks)

Q3. Design/Draft a "Mini-Code for Industrial Disaster Response" incorporating the following:

- Licensing Protocols** for hazardous industries—include public notice, hearings, and expert review.
- Liability Framework**—should the law follow strict, absolute, or vicarious liability? How should compensation be calculated (e.g. fixed slabs, medical evidence, or judicial discretion)?
- Judicial Powers & Procedure**—design new remedial powers for courts handling mass disasters (e.g. interim orders, relaxed evidence standards, technology in courts).
- Institutional Architecture**—who should manage claims: a special tribunal, the regular judiciary, or a civil society-led agency?

Your response will be assessed on clarity, creativity, legal coherence, and alignment with constitutional values (especially Articles 14, 21, 48A, and 51A(g) of the Constitution of India).

(20 marks)

Q4. How does the capabilities approach influence Amartya Sen's concept of Niti Nyaya, and what are the strengths and limitations of integrating these ideas in addressing justice?

(20 marks)

Q5. Is there a necessary connection between having a legal obligation and having a moral duty to obey the law? Discuss with reference to the jurisprudential understanding of obligations in personam and Raz's argument against a general obligation to obey the law.

(20 marks)

Q6. Amartya Sen emphasizes the role of public reasoning, capabilities, and the lived experiences of individuals in defining and realizing justice. But how should we think about justice for beings who cannot speak, reason publicly, or express their own claims—such as animals, the unborn, or even future generations? Do you think Sen's realization-focused approach can still account for their well-being? How might society include their interests in the public reasoning process, and is it possible to talk about justice for those who cannot participate in it?

(20 marks)

18 FEB 2025

National Law University, Jodhpur
Jurisprudence- II
Semester: UG IV Semester
Mid Term Examination- February 2025

Time: 90 minutes

MM: 50

Instructions:

- i. You are required to attempt three (3) questions in total. Please specify the question you are answering before providing your response.
- ii. Word limit for 15 marks questions is 500 words.
- iii. Word limit for 10 marks questions is 350 words.

1. The Indian Constitution guarantees Fundamental Rights (Part III), but it also includes Fundamental Duties (Article 51A), creating a balance between individual freedoms and social responsibilities.

Should India prioritize Duties over Rights, as Duguit suggests, or should rights always remain paramount? Propose a new legal system for India where Duguit's theory is applied—how would laws be structured if individual rights were replaced with duties?

(MM: 15 marks)

2. In India, the Right to Property was removed as a Fundamental Right (44th Amendment Act, 1978) but remains a constitutional right under Article 300A. The Land Acquisition Act, 2013, allows the government to take private property for public purposes, often leading to conflicts between individual rights and public interest.

Your Task:

- a. Which theory of property best justifies the government's right to acquire land for public use?

(5 marks)

- b. Does Natural Law Theory (property as a result of labor) justify land acquisition, or does it contradict it?

(5 marks)

- c. Propose a policy framework that balances property rights and state intervention.

(5 marks)

3. Salmond identified five essential elements of a legal right. The Indian Supreme Court, in *Puttaswamy v. Union of India (2017)*, recognized the Right to Privacy as a Fundamental Right under Article 21. However, this right is often challenged by government surveillance laws, Aadhaar linkage, and data collection by private companies. Analyze how Salmond's five elements apply to the Right to Privacy in India.

(10 marks)

4. Property is a broad legal concept with multiple definitions, depending on its nature and purpose. Out of all the definitions you have read, describe the one that you most agree with and why. Also design/create your own definition and explain the same with reasons.

(5+5 marks)

26 APR 2025

National Law University, Jodhpur
Jurisprudence
Semester: UG IV Semester
Re-Mid Term Examination- April 2025

Time: 90 minutes

MM: 50

Instructions:

- i. You are required to attempt three (3) questions in total.
 - ii. Word limit for 20 marks questions is 500 words.
 - iii. Word limit for 10 marks questions is 350 words.
 - iv. All questions are compulsory.
1. "There can be no right without a corresponding duty, and no duty without a corresponding right." Critically examine this statement with reference to the views of Salmond, Austin, and other jurists, highlighting the debates surrounding absolute duties and over-assertive rights. (MM: 20 marks)
 2. Critically examine the distinctions between corporeal and incorporeal property. How do categories such as rights in re propria and rights in re aliena expand the traditional understanding of property law? (MM: 20 marks)
 3. Examine the distinction between relative and absolute duties. Can duties truly exist without corresponding rights, as claimed by Austin? Use contemporary legal examples to argue for or against the idea of absolute duties. (MM: 10 marks)
