



BRAINWARE UNIVERSITY

Term End Examination 2019 - 20

Programme –Master of Law

Course Name - Advanced Jurisprudence

Course Code – LLM101

(Semester – 1)

Time allotted: 2.5 Hours

Full Marks: 60

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group –A

(Multiple Choice Type Question)

20 x 1 = 20

1. *Choose the correct alternative from the following (Answer any Twenty)*
 - (i) Who describes Jurisprudence as the lawyer's extraversion. It is the lawyer's examination of the precepts, ideals and techniques of the law in the light derived from present knowledge in the disciplines other than law?
 - a. Austin
 - b. Julious Stone
 - c. Roscoe Pound
 - d. Kelsen
 - (ii) The principle of 'Social Solidarity' was propounded by :
 - a. Roscoe Pound
 - b. Duguit
 - c. Savigny
 - d. Bentham
 - (iii) Law grows with the growth, and strengthen with the strength of the people and finally dies away as the nation loses its nationality. Who said these words?
 - a. Savigny
 - b. Hart
 - c. Salmond
 - d. Kelsen
 - (iv) "Judges do not make Jaw, but only declare what has always been law." This was the view of :
 - a. Austin
 - b. Blackstone
 - c. Gray
 - d. Julious Stone
 - (v) Which one is the most vague of all vague terms:
 - a. Ownership
 - b. Power
 - c. Possession
 - d. Claim
 - (vi) 'Social Engineering is the formula of :
 - a. Duguit.
 - b. Roscoe Pound
 - c. John Rawls
 - d. Hobbes

- (vii) Who said that, "The function of laws should be the promotion of the greatest happiness of the greatest number"?
- Austin
 - Ehrlich
 - Bentham
 - Ihring
- (viii) Who was the author of the Book titled "Introduction to Jurisprudence"?
- Hart
 - Kelsen
 - Duguit
 - Pound
- (ix) True view, is that the law is, what the judges declare: that statutes, precedents, the opinions of the learned experts, customs and morality are the sources of Law. Who submitted these words?
- Ehrlich
 - Austin
 - Roscoe Pound
 - Gray
- (x) Customs not law until so declared by sovereign. It was the view of :
- Historical School
 - Sociological School
 - Realistic School
 - Analytical School
- (xi) Legal Realism is the theory of law according to which law is the _ of court
- Wisdom
 - Understanding
 - Practice
 - Weapon
- (xii) _____ states that all the actions of human beings are controlled by two sovereigns, namely 'pain' and 'pleasure'
- Hedonism
 - Utilitarianism
 - Realism
 - Formalism
- (xiii) Delegated legislation is a _____ legislation.
- Supreme
 - Proper
 - Superb
 - None of above
- (xiv) The book Leviathan was written by _____.
- Hobbes
 - Grey
 - Lloyd
 - Austin
- (xv) Aristotle was _____ philosopher
- Egyptian
 - Chinese
 - English
 - None of above
- (xvi) The book "Jurisprudence or Theory of the Law", awarded with Swiney Gold Cup in 1914 by Royal Society of Arts, was written by _____
- Austin
 - Salmond
 - H.L.A. Hart
 - Hobbes
- (xvii) Legal Realism was analyzed in United State by
- Salmond
 - Holmes
 - Austin
 - Grotius

- (xviii) An unborn child has a legal status so far as:
- Duties on him
 - Rights of unborn child
 - Defamation of unborn child
 - None of the above
- (xix) _____ hold that jurisprudence is the study of law as it is.
- Naturalists
 - Positivists
 - Realists
 - Analysts
- (xx) The chief exponent of Command Theory of Law was:
- Salmond
 - Austin
 - Holland
 - Paton
- (xxi) Court deals with:
- Question of law
 - Question of fact
 - Mixed factor of question of law and fact
 - All above
- (xxii) Mistake of fact is:
- Not an excuse
 - A good excuse
 - Mistake of law
 - None of these
- (xxiii) The idea of social function ‘crowds out’ the conception of subjective right. Whose view is this?
- Kelsen
 - Salmond
 - Duguit
 - Pound
- (xxiv) “Natural law is based on the nature of man and on his inward need of living in society”. who said it
- Hugo Grotius
 - Hobbes
 - Locke
 - Rousseau
- (xxv) A comparative method of study in law was introduced by
- section 85 of IPC
 - section 86 of IPC
 - section 87 of IPC
 - Both a and b

Group – B

(Short Answer Type Questions)

4 x 5 = 20

Answer any *four* from the following

- Define physical or scientific law. 5
- Define conventional law. 5
- Define pain pleasure theory. Who propounded this theory? 3+2
- Who propounded ‘Social Engineering theory’? Explain. 5
- Define the changing concept of property. 5
- Define the changing concept of ownership 5

Group – C

(Long Answer Type Questions)

2 x 10 = 20

Answer any *two* from the following

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|-----|-----|--|-----|
| 8. | (a) | Critically discuss Kelsen’s theory on the hierarchy of norms? | 5 |
| | (b) | To which basic questions does it give the answer? How does the hierarchy look like? | 2+3 |
| 9. | (a) | Define jurisprudence. | 3 |
| | (b) | Explain various kinds of jurisprudence | 3 |
| | (c) | Explain the scope of Analytical jurisprudence | 4 |
| 10. | | “Though the feministic approach in law making has taken precedence upon the other perspectives, the results are only reflective of patterns of excesses against them and not a real change in attitudes.” Examine the statement critically | 10 |
| 11. | | Critically discuss the social contract theory propounded by Hobbes, Locke and Rosseau | 10 |
