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BRAINWARE UNIVERSITY

Term End Examination 2024-2025
Programme – LLM-2022/LLM-2023/LLM-2024
Course Name – Theories of Law and Justice
Course Code - LLM101
(Semester I)

Full Marks : 60

Time : 2:30 Hours

[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)

1 x 15=15

1. Choose the correct alternative from the following :

- (i) Who among the following put international law under positive morality along with the law of honour and law of fashion?
- a) Bentham
b) Salmond
c) Savigny
d) None of these
- (ii) Who among the following is regarded as "Father of English Jurisprudence"?
- a) Bentham
b) Austin
c) Salmond
d) Holland
- (iii) Who among the following laid down the theory that a legal system arises from the combination of primary and secondary rules?
- a) Austin
b) Bentham
c) Kelsen
d) None of these
- (iv) Who among the following is considered an exponent of "utilitarianism"?
- a) Hobbes
b) Bentham
c) David Hume
d) Grotius
- (v) For a valid custom, there are certain prerequisites. Which one of the following conditions of a valid custom is not correct?
- a) Custom must be continuous
b) Custom must be reasonable
c) Custom might be contrary to statutory law
d) Custom must not be immoral
- (vi) According to one of the theories of punishment, 'evil' should be returned by 'evil'. Which of the following is the correct theory as explained above?
- a) Deterrent theory
b) Retributive theory
c) Preventive theory
d) Reformatory theory
- (vii) Who said. "Jurisprudence is the formal science of positive law"?
- a) Bentham
b) Stone
c) Austin
d) Holland

- (viii) Which of the following is the 'oldest' source of law?
- a) Legislation
b) Custom
c) Precedent
d) Constitution
- (ix) Choose the correct option: The ratio decidendi usually implies:
- a) Reasons of the decision
b) Principles of law laid down in a decision which is the decisive element
c) Both (a) and (b)
d) Neither (a) nor (b)
- (x) Select the correct answer: According to Salmond, supreme legislation refers to:
- a) Colonial legislation
b) Executive legislation
c) Law made by the Parliament
d) Either (b) or (c)
- (xi) Choose the correct attribute of ownership:
- a) Right to make a gift of property
b) Right to mere occupancy
c) Right to sell the property
d) Right to residual use of the property
- (xii) Choose the meaning of the rule "ejusdem generis":
- a) The words of a statute should be understood in their context
b) The words of a statute should be in strict consonance with its objectives
c) The principle of equity
d) The words of a statute should be understood in a logical manner
- (xiii) Select: The intimate relation between economics and jurisprudence was first noticed by:
- a) Karl Marx
b) Immanuel Kant
c) John Hegel
d) Richard Dworkin
- (xiv) Infer the statement which is not related to the Natural Law School:
- a) Evaluation of any part of the law must be done in terms of its effects
b) There is connection between means and ends
c) Justice originates in pure practical reason
d) Law consists means of achieving ends
- (xv) Choose the schools which consider law as the means by which the individual's Will is harmonised with the general Will of the community:
- a) Sociological School
b) Philosophical School
c) Historical School
d) Analytical School

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Examine the view that the ius gentium drew on natural law principles. (3)
3. Examine the role of 'social solidarity' in Duguit's theory of law. (3)
4. What do you mean by "sources of law" and their various kinds? (3)
5. What is the "command theory" of law according to Austin? (3)
6. Examine Ihering's concept of 'jurisprudence of interests' in relation to modern legal systems. (3)

OR

How does Duguit's rejection of sovereignty contrast with traditional legal theories? (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Rawl's idea of the 'liberal self' is too individualistic. Illustrate the communitarian critique of rawl's theory of justice in this context. (5)
8. Did John Stuart Mill's 'Rule Utilitarianism' improve upon Bentham's 'Act Utilitarianism'? (5)
9. Evaluate the relationship between Bentham's ideas on legal reform, such as his advocacy for codification and transparency, and the evolution of modern legal systems. (5)

- 10. What role does the changing definition of property play in legal debates over equity, social justice, and redistribution of wealth? (5)
- 11. How do Hohfeld's analysis of rights clarify the structure of legal rights and duties? (5)
- 12. Analyze the ways in which the concept of a 'Volkgeist' is problematic. (5)

OR

Examine the reasons for which Henry Maine's work is held in high regards by legal historians and anthropologists. (5)

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