



BRAINWARE UNIVERSITY
Term End Examination 2020 - 21
Programme – Master of Law
Course Name – Advanced Jurisprudence
Course Code - LLM101

Semester / Year - Semester I

Time allotted : 75 Minutes

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)

1 x 60=60

1. *(Answer any Sixty)*

(i) Jurisprudence is the study of _____ law.

- | | |
|--------------|-------------|
| a) Religious | b) Moral |
| c) Ethical | d) Positive |

(ii) Jurisprudence is derived from the word jurisprudentia, which is:

- | | |
|-----------|------------|
| a) German | b) Latin |
| c) Greek | d) Russian |

(iii) Particular jurisprudence is the science which examine:

- | | |
|------------------------------------|---|
| a) Actual and single system of law | b) On the element of dear in the ignorance of law |
| c) Actual and common system of law | d) None of these |

(iv) Court deals with:

- | | |
|---|---------------------|
| a) Question of law | b) Question of fact |
| c) Mixed factor of question of law and fact | d) All of these |

(v) Who explains distinction between Expositorial Jurisprudence and Censorial Jurisprudence?

- | | |
|------------|-----------|
| a) Salmond | b) Kelsen |
|------------|-----------|

c) Bentham

d) Hart

(vi) Oliver Holmes was a _____ jurist

a) Greek

b) American

c) Chinese

d) English

(vii) Whose work was published under the title "The Province of Jurisprudence Determined" ?

a) Bentham

b) Salmond

c) John Austin

d) Rawls

(viii) Which one of the following schools supports the view that a custom becomes law when it receives the stamp of judicial recognition by courts

a) Analytical School

b) Historical School

c) Natural School

d) Sociological School

(ix) The fair and _____ distribution of rights and obligations, is known as justice

a) Equal

b) Equitable

c) Natural

d) Political

(x) We have judicial system to :-

a) To provide freedom

b) To provide food

c) To enforce the rule of law

d) None of these

(xi) The Realist approach is highly:

a) Theoretical

b) Observable

c) Empirical

d) Factual

(xii) Who said that, "The function of laws should be the promotion of the greatest happiness of the greatest number" ?

- a) Austin
- b) Ehrlich
- c) Bentham
- d) Ihring

(xiii) Who was the author of the Book titled "Introduction to Jurisprudence" ?

- a) Hart
- b) Kelsen
- c) Duguit
- d) Pound

(xiv) Integrated judicial system is :-

- a) Lower courts are not bind to obey the supreme courts decision
- b) Decisions of the high courts are bonded by lower courts
- c) Both Loer courts are not bind to obey the supreme courts decision and Decisions of the high courts are bonded by lower courts
- d) None of these

(xv) Bentham was a __jurist

- a) Greek
- b) English
- c) Chinese
- d) Roman

(xvi) Roscoe Pound was a __jurist

- a) Greek
- b) Chinese
- c) American
- d) NOTA

(xvii) Three main components of the criminal justice system

- a) Law enforcement
- b) Courts
- c) Corrections
- d) All of these

(xviii) _____ states that all the actions of human beings are controlled by two sovereigns, namely 'pain' and 'pleasure'

- a) Hedonism
- b) Utilitarianism
- c) Realism
- d) Formalism

(xix) The sources of law were classified by _____ and _____

- a) Salmond/Keeton
- b) Salmond/Austin
- c) Hobbes/Holland
- d) None of these

(xx) Delegated legislation is a _____ legislation

- a) Supreme
- b) Proper
- c) Superb
- d) None of these

(xxi) _____ is a source of law.

- a) Media
- b) Internet
- c) Religion
- d) Precedent

(xxii) Stare Decisis means the previous judgments shall be _____

- a) Amended
- b) Substituted
- c) Upheld
- d) Replaced

(xxiii) The thing on which the right is to be exercised is known as _____ of right.

- a) Characteristic
- b) Object
- c) Subject
- d) Content

(xxiv) Animus possidendi means _____ to possess

- a) Power
- b) Animal
- c) Desire
- d) None of these

(xxv) John Austin defines jurisprudence as “_____ of _____ Law”

- a) Philosophy/positive
- b) Science/positive
- c) Philosophy/ethical
- d) Study/moral

(xxvi) Aristotle was _____ philosopher

- a) Egyptian
- b) Chinese

c) English

d) None of these

(xxvii) The physical force of the state behind law is called as _____.

a) Governance

b) Army

c) Public Order

d) Sanction

(xxviii) _____ is component of Administration of Criminal Justice.

a) Bureaucracy

b) President

c) Media

d) None of these

(xxix) Discordance between law and fact may arise because:

a) Presumptiojuris or presumption of law

b) Reputable (Rebuttable) Presumption and Conclusive Presumption

c) Fictio Juris or fiction of law

d) All of these

(xxx) Who is the father of analytical school?

a) Austin

b) Bentham

c) Pound

d) Ihering

(xxxii) Divestitive facts can be:

a) Alienative facts

b) Derivative titles

c) Both Alienative facts and Derivative titles

d) Extinctive facts

(xxxiii) An intention is:

a) The purpose of doing an act

b) The objective of doing an act

c) The ill-will of doing an act

d) All of these

(xxxiiii) _____ hold that jurisprudence is the study of law as it is.

a) Naturalists

b) Positivists

c) Realists

d) Analysts

(xxxiv) Legislation is a _____ source of law.

- a) Historical
- b) Legal
- c) Comprehensive
- d) Natural

(xxxv) According to analysts, jurisprudence is the study of:

- a) Ideal law
- b) Concrete law
- c) International law
- d) Positive law

(xxxvi) The kind of jurisprudence which deals with the law as it ought to be is known as:

- a) Analytical jurisprudence
- b) Historical Jurisprudence
- c) Ethical Jurisprudence
- d) None of these

(xxxvii) H.L.A Hart was ----- legal philosopher.

- a) British
- b) American
- c) Chinese
- d) NOTA

(xxxviii) Who is the author of the book “ The Concept of Law”.

- a) Hart
- b) Bentham
- c) Austin
- d) Pound

(xxxix) Particular jurisprudence is the science which examine

- a) On the element of fear in the obedience of law
- b) On the element of dear in the ignorance of law
- c) On the evasion of law
- d) None of these

(xl) Administration of justice does not follow:

- a) Justice
- b) Fair play
- c) Equity
- d) Technicalities of law

(xli) Mistake of fact is:

- a) Not an excuse
- b) A good excuse
- c) Mistake of law
- d) None of these

(xlii) Hart and Fuller introduce ----- Theory

- a) Law and morality Theory
- b) Volkgeist Theory
- c) Analytical Theory
- d) Natural Law Theory

(xliii) Law is the sum of conditions of social life as secured by the power of the state through the means of external compulsion- this statement relates to which school of jurisprudence

- a) Historical
- b) Analytical
- c) Realist
- d) Sociological

(xliv) Who is the Father of Social Solidarity Theory

- a) Duguit
- b) Ihering
- c) Maine
- d) Hart

(xlv) Main pioneer of the Sociological Jurisprudence is

- a) Montesquieu
- b) Hegel
- c) Sir Henry Maine
- d) None of these

(xlvi) In the dark ages, natural law was given a new interpretation by

- a) St Augustine
- b) Thomas Aquinas
- c) Paul
- d) Ulpian

(xlvii) Who said "Jurisprudence is the eye of law"?

- a) Maine
- b) Savigny
- c) Pound
- d) Laski

(xlviii) Who propounded the concept of Grundnorm?

- a) Roscoe Pound
- b) Hans Kelsen

c) John Austin

d) Hart

(xlix) Who is the father of Volkgeist Theory

a) Savigny

b) Montesquieu

c) Hart

d) Kelsen

(l) Savigny introduce----- Theory

a) Volkgeist Theory

b) Pure Theory

c) Social Contact Theory.

d) NOTA

(li) Who is the founder of English Historical School?

a) Maine

b) Pound

c) Austin

d) None of these

(lii) Who is the Pioneer of the study of Comparative Law?

a) Maine

b) Laski

c) Austin

d) Salmond

(liii) American Realism is a part of-

a) Legal Realism

b) Historical School

c) Sociological School

d) Analytical School

(liv) Who is the father of American realist movement-

a) Oliver Holmes

b) Kant

c) Austin

d) Salmond

(lv) Which school believes that Law are made by the judges or juristic persons-

a) Realist School

b) Analytical School

c) Historical School

d) Sociological School

(lvi) The fact of ownership can give rise to :

- a) Right
- b) Duty
- c) Liability
- d) Immunity

(lvii) Ownership is the _____ recognition of a claim.

- a) de jure
- b) de facto
- c) ipso facto
- d) per se

(lviii) A libel upon a dead man shall be punishment to defend the right of:

- a) The dead man
- b) Dead man's property
- c) Descendants of dead man
- d) All of these

(lix) An unborn child has a legal status so far as:

- a) Duties on him
- b) Rights of unborn child
- c) Defamation of unborn child
- d) None of these

(lx) The liability in which the sole intention of the law is to enforce the plaintiff's right and not to punish the wrong-doer is known as:

- a) Constructive liability
- b) Penal liability
- c) Equitable liability
- d) Remedial liability