



BRAINWARE UNIVERSITY
Term End Examination 2020 - 21

Programme – Bachelor of Law

Course Name – Jurisprudence

Course Code - LLB303

Semester / Year - Semester III

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) The word jurisprudence is a

- | | |
|----------------|-----------------|
| a) Latin term | b) English term |
| c) Indian term | d) Greek term |

(ii) Holland has defined jurisprudence as

- | | |
|--|------------------------------|
| a) Scientific synthesis of essential principles of law | b) Science of civil law |
| c) Formal science of positive law | d) General principles of law |

(iii) Regarding the nature of jurisprudence, Salmond has said that,

- | | |
|--|--|
| a) jurisprudence is the name given to a certain type of Investigation into law | b) it is a chaos of approaches to chaos of topics chaotically determined |
| c) Formal science of positive law | d) Study and systematic arrangement of the general principles of law |

(iv) According to Bentham the purpose of jurisprudence is

- | | |
|---|--|
| a) exposition of law | b) censor of law |
| c) Both exposition of law and censor of law | d) Neither exposition of law and censor of law |

(v) Sources of law are

- a) Custom
- b) Precedent
- c) Legislation
- d) All of these

(vi) Judicial decisions has derived its origin from

- a) Custom
- b) Court
- c) Legislation
- d) All of these

(vii) Allen has defined custom

- a) as social phenomenon
- b) custom is the source of law, which countries in the declaration of legal rule competent authority.
- c) custom covers anything said or done which furnishes a rule for subsequent practice
- d) custom is legislation

(viii) Essentials of custom is

- a) antiquity
- b) reasonableness
- c) continuity
- d) All of these

(ix) Merit of precedent is

- a) precedent show respect for the opinion of one's ancestors
- b) precedent brings certainty in law
- c) precedent brings flexibility in law
- d) All of these

(x) Ratio decidendi of a judgment may be defined as

- a) observations made by the Judge, but are not essential for the decision reached.
- b) the principles of law formulated by the Judge for the purpose of deciding the problem before him
- c) The law relating to the control of power of judiciary
- d) precedent brings flexibility in law

(xi) Declaratory theory and law making theory deals with

- a) Do advocates make law
- c) Do politicians make law

- b) Do judges make law
- d) Do officers make law

(xii) colonial legislation is that

- a) which is not independent and under the control of another country
- b) laws made by the executive
- c) which proceeds from sovereign power in the state.
- d) the laws and the rules made by the supreme court

(xiii) Municipal legislation or local legislation is

- a) which proceeds from sovereign power in the state.
- b) the laws and the rules made by the supreme court
- c) the law made by local bodies
- d) which is not independent and under the control of another country

(xiv) Bentham's legal philosophy is called

- a) Social solidarity
- b) Utilitarian individualism
- c) Social engineering
- d) American realism

(xv) "Law is the command of the sovereign"—said by

- a) Roscoe Pound
- b) Von Savigny
- c) Jeremy Bentham
- d) John Austin

(xvi) According to Henry Maine, the first jurist of Historical School of Jurisprudence is

- a) Aristotle
- b) Plato
- c) Montesquieu
- d) Socrates

(xvii) Supporter of codification in Germany includes

- a) Salmond
- b) Savigny
- c) Thibaut
- d) Austin

(xviii) Historical School of Jurisprudence provides that

- a) Precedent is the main source of law
- b) Custom is the main source of law
- c) Legislation is the main source of law
- d) Society is the main source of law

(xix) According to jurists of historical school

- a) Law should be studied as it is
- b) Law is what judges declare
- c) Law is the product of nature
- d) Law is found, not made

(xx) The 'volkgeist theory' has been proposed by

- a) Salmond
- b) Savigny
- c) Thibaut
- d) Austin

(xxi) The word 'volkgeist' denotes

- a) Specific consciousness
- b) General nature
- c) Popular consciousness
- d) Popular nature

(xxii) The words 'volks' and 'geist' stands for

- a) 'People' and 'Spirit' respectively
- b) 'Society' and 'Country' respectively
- c) 'Sovereign' and 'Command' respectively
- d) 'Society' and 'Solidarity' respectively

(xxiii) According to Savigny's theory

- a) Legislation is per se law
- b) Precedent is per se law
- c) Custom is per se law
- d) Society is per se law

(xxiv) Probation is a _____ of the Administration of Criminal Justice.

- a) Kind
- b) Type
- c) Component
- d) Characteristic

(xxv) The theory of Utility was propounded by _____.

- a) Roscoe Pound
- b) Jeremy Bentham

c) Henry Maine

d) Rawls

(xxvi) Summa Theologica is a(n) _____ written by _____.

a) Report/Hobbes

b) Article/Aristotle

c) Book/Thomas Aquinas

d) Book/ Saint Joseph

(xxvii) Stare Decisis means the previous judgments shall be _____.

a) Amended

b) Substituted

c) Upheld

d) Replaced

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

a) de jure

b) de facto

c) ipso facto

d) per se

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

a) Philosophy / positive

b) Science / positive

c) Philosophy/ethical

d) Study/moral

(xxx) Aristotle was _____ philosopher

a) Egyptian

b) Greek

c) English

d) Chinese

(xxxi) Systematic arrangement of rules in a single document concerning a particular subject in a way as to avoid inconsistency and overlapping. The process is known as _____

a) Legislation

b) Codification

c) Prescription

d) Administration

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

a) Bureaucracy

b) President

c) Media

d) Punishment of wrongdoer for violation

of right

(xxxiii) Legal Realism was analyzed in United State by

- a) Salmond
- b) Holmes
- c) Austin
- d) Grotius

(xxxiv) The theories of punishment are:

- a) 2 in number
- b) 3 in number
- c) 4 in number
- d) 5 in number

(xxxv) 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

(xxxvi) Divestitive facts can be:

- a) Alienative facts
- b) Derivative titles
- c) Alienative facts or Derivative titles
- d) Extinctive facts

(xxxvii) 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

(xxxviii) According to naturalists law is the dictates of:

- a) Rules
- b) Heart
- c) Reason
- d) Sovereign

(xxxix) Obiter dicta means saying _____

- a) of the Court
- b) by the way
- c) Wrongly
- d) None of these

- (xl) According to Austin, 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) Study of actual system of law or any portion of it

- (xli) Natural law means:
- a) Principles of common law
 - b) Principles of constitutional law
 - c) Principles of municipal law
 - d) Principles of natural justice

- (xlii) Customs which have the force of law are:
- a) Legal custom and conventional customs
 - b) Legal custom and racial customs
 - c) Legal custom and constitutional customs
 - d) Legal custom and material customs

- (xliii) Who amongst the following said that ‘a right with me is a child of law....a natural right is a son that never had a father’.
- a) Jeremy Valdon
 - b) Jeremy Bentham
 - c) Salmond
 - d) Paton

- (xliv) Salmond said that right is
- a) an interest which is recognized and protected by rule of right.
 - b) as a capacity residing in men of controlling with the accent and assistance of the state the actions of others.
 - c) is a faculty which reside in a determinate party or parties by virtue of a given law and which avails against a party or parties other than the party or parties in whom it resides.
 - d) is not the interest itself. It is the means by which the enjoyment of the interest is secured.

- (xlv) According to professor Gray, right is
- a) an interest which is recognized and protected by rule of right.
 - b) as a capacity residing in men of controlling with the accent and assistance of the state the actions of others.

c) is a faculty which reside in a determinate party or parties by virtue of a given law and which avails against a party or parties other than the party or parties in whom it resides. d) is not the interest itself. It is the means by which the enjoyment of the interest is secured.

(xlvi) According to Salmond and Gray

- a) rights and duties are correlative
- b) rights and duties are not correlative
- c) rights and duties have no relationship
- d) rights and duties have no existence

(xlvii) Example of absolute duty is

- a) Self-regarding duty
- b) Duty owed to persons indefinitely
- c) Duties owed to sovereign
- d) All of these

(xlviii) Perfect right means

- a) the right which is not enforceable in a court of law.
- b) complete right.
- c) one which is available in the whole world.
- d) a right available only against some determinate person or body and in which the community at large has no concern.

(xlix) Imperfect right means

- a) the right which is not enforceable in a court of law.
- b) complete right.
- c) one which is available in the whole world.
- d) a right available only against some determinate person or body and in which the community at large has no concern.

(l) Right in rem is

- a) the right which is not enforceable in a court of law.
- b) complete right.
- c) one which is available in the whole world.
- d) a right available only against some determinate person or body and in which the community at large has no concern.

(li) Vested right

a) belongs to a person absolutely and completely

c) one which is available in the whole world.

b) complete right.

d) a right available only against some determinate person or body and in which the community at large has no concern.

(lii) Right in personam is

a) the right which is not enforceable in a court of law.

c) one which is available in the whole world.

b) complete right.

d) a right available only against some determinate person or body and in which the community at large has no concern.

(liii) Elements of possession is

a) Corpus possessionis

c) Corpus possessionis & Animus domini

b) Animus domini

d) Neither Corpus possessionis & Animus domini

(liv) Animus Domini is

a) Physical control over the object possessed.

c) Physical control over the object possessed and the mental element or the intention to hold the object as owner

b) the mental element or the intention to hold the object as owner

d) Neither Physical control over the object possessed and the mental element or the intention to hold the object as owner

(lv) Jurisprudence is the study of _ law

a) Religious

c) Positive

b) Moral

d) None of these

(lvi) _ has presented the thesis that jurisprudence is a social engineering

- a) Black Stone
- c) John Stuart Mill

- b) Jeremy Bentham
- d) Roscoe Pound

(lvii) That truth is right reason in agreement with nature was propounded by

- a) Salmond
- c) Hart
- b) Grotious
- d) Cicero

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

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

(lix) Who propounded the concept of Grundnorm?

- a) Roscoe Pound
- c) John Austin
- b) Hans Kelsen
- d) Hart

(lx) A comparative method of study in law was introduced by

- a) Savigny
- c) Hart
- b) Maine
- d) Kelsen