



BRAINWARE UNIVERSITY

Term End Examination 2020 - 21

Programme – Bachelor of Business Administration & Bachelor of Law

Course Name – Legal Method

Course Code - BBALLB304

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) “Law is the command of sovereign, and not of divine...” --- Who said it?

- | | |
|----------------|------------|
| a) John Austin | b) Salmomd |
| c) Winfield | d) Holland |

(ii) “Law is the depsychologized command” --- Who gave this definition?

- | | |
|------------|---------------|
| a) Maine | b) Blackstone |
| c) Ihering | d) Kelsen |

(iii) “State is nothing but a ‘legal network’.” --- Who said it?

- | | |
|-----------------|----------|
| a) Henry Kelsen | b) Maine |
| c) Dias | d) Allen |

(iv) “Law is essentially and exclusively a social fact. The foundation of law is in the essential requirements of the community life.” --- Who made this observation?

- | | |
|-----------|---------------|
| a) Duguit | b) Allen |
| c) Maine | d) Blackstone |

(v) “Law is the body of principles recognized or enforced by public and regular tribunals in the administration of justice.” --- Who made this definition?

- | | |
|----------|------------|
| a) Maine | b) Salmond |
|----------|------------|

c) Austin

d) Roscoe Pound

(vi) "Law is the body of principles, recognized and applied by the State in the administration of justice." --- Who gave this definition?

a) Allen

b) Holmes

c) Dias

d) Salmond

(vii) Law, _____.

a) Changes as the society changes from time to time

b) Is static

c) Makes the society to change

d) All of these

(viii) "Law is the crystallized commonsense of the community." --- Who made this definition?

a) Austin

b) Lord Moulton

c) Bentham

d) Salmond

(ix) According to Salmond, _____ is "the law of the state or of the land, the law of lawyers and the law courts".

a) Civil Law

b) Contingent Law

c) Colony Law

d) Crime Law

(x) The general law of England can be divided into the three parts viz., Statute Law, _____.

a) Colony Law and Crime Law

b) Casual Law and Common Law

c) Equity and Common law

d) None of these

(xi) The term civil law is derived from _____ or civil law of the Romans.

a) Jus civile

b) Just law

c) Jus crimino

d) Just civilian

(xii) Kinds of legislation includes _____

- a) Supreme and Subordinate legislation
- b) Sub-delegation theory legislation
- c) Conditional transfer
- d) Authorities Legislation

(xiii) _____ is a requisite of a valid custom.

- a) Discontinuity
- b) Continuity
- c) Direct
- d) Indirect

(xiv) Legislation is classified into?

- a) Direct and Indirect legislation
- b) Supreme and Subordinate legislation
- c) Authorities and unauthorized Legislation
- d) Direct and Indirect legislation and Supreme and Subordinate legislation

(xv) What is/are the classification/classifications of precedent?

- a) Original precedent
- b) Authoritative precedent
- c) Declaratory precedent
- d) All of these

(xvi) 'Original Precedent' means

- a) A precedent which creates and applies a new rule
- b) A precedent which is merely the application of an already existing rule of law.
- c) A precedent which the judges are under no obligation to follow
- d) None of these

(xvii) Custom is an important source of _____.

- a) law
- b) precedent
- c) law and precedent
- d) none of these

(xviii) Due to the following reason, the binding force of precedent is weakened

- a) Abrogated decisions, ignorance of statute
- b) Affirmation or reversal on a different ground, inconsistency with earlier decision of higher court

c) Erroneous decisions, decisions of equally divided, sub-silento rule
d) All of these

(xix) "Custom is to society what law is to the State." --- Who made this observation?

- a) Allen
- b) Dias
- c) Salmond
- d) Kelsen

(xx) _____ is the primary function of a court.

- a) Interpretation
- b) Precedent
- c) Legislation
- d) Time

(xxi) Since the will of the legislature is expressed generally in the form of a statute, the prime concern of the court is to find out the intention of the _____ in the language used by the legislature in the statute.

- a) time
- b) courage
- c) legislature
- d) efficiency

(xxii) A _____ is the will of the legislature.

- a) statute
- b) company
- c) formation
- d) pillar

(xxiii) The first principle of _____ is the literal or grammatical interpretation.

- a) legislation
- b) interpretation
- c) legislation and interpretation
- d) none of these

(xxiv) Literal interpretation is also known as _____ interpretation.

- a) grammatical
- b) geometric
- c) good
- d) none of these

(xxv) The mischief rule of interpretation originated in

- a) Heydon' case
- b) Ashby vs White case
- c) Seven Carpenter Case
- d) None of these

(xxvi) "Golden rule is also observed as the modifying method of interpretation."

- a) The statement is true
- b) The statement is false
- c) Silver rule is also observed as the modifying method of interpretation.
- d) Diamond rule is also observed as the modifying method of interpretation.

(xxvii) "Interpretation is the process by which the court seeks to ascertain the meaning of a particular legislation."

- a) The statement is true
- b) The statement is false
- c) Collage is the process by which the court seeks to ascertain the meaning of a particular legislation.
- d) New rule is the process by which the court seeks to ascertain the meaning of a particular legislation.

(xxviii) Kinds of interpretation-

- a) grammatical
- b) logical
- c) grammatical and logical
- d) either grammatical or logical

(xxix) The expression rule of law was given prominence by _____.

- a) Holland
- b) Maine
- c) Dicey
- d) Austin

(xxx) _____ is one of the basic principles of the English Constitution.

- a) rule of house
- b) Rule of gesture
- c) rule of land
- d) rule of law

(xxxi) Dicey attributed the following meaning to the doctrine of rule of law

- a) Supremacy of law
- b) Equality before law

c) Predominance of legal spirit

d) All of these

(xxxii) In _____ (AIR 1973 SC 1461), some of the judges constituting majority were of the opinion that the Rule of law was an “aspect of the doctrine of basic structure of the Constitution, which even the plenary power of Parliament cannot reach to amend.”

a) Bharati Singh v State of Karnataka

b) Keshavananda Bharati v State of Kerala

c) Bharati Devi v State

d) None of these

(xxxiii) In Keshavananda Bharati v State of Kerala (AIR 1973 SC 1461), some of the judges constituting _____ were of the opinion that the Rule of law was an “aspect of the doctrine of basic structure of the Constitution, which even the plenary power of Parliament cannot reach to amend.”

a) medium

b) majority

c) minor

d) popular

(xxxiv) In the case of Keshavananda Bharati v State of Kerala (AIR 1973 SC 1461), some of the judges constituting majority were of the opinion that the rule of law was an “aspect of the doctrine of _____ structure of the Constitution, which even the plenary power of Parliament cannot reach to amend.”

a) poor

b) infra

c) closed

d) basic

(xxxv) The doctrine of separation of powers was propounded by _____.

a) Pound

b) Holland

c) Kelsen

d) Montesquieu

(xxxvi) The doctrine of separation of powers means -

a) Combination of powers

b) Creating strong bond separately

c) Giving supremacy to judiciary

d) Separation of powers in between

Legislature, Judiciary and Executive

(xxxvii) A writ of quo warranto can be claimed by a person if he satisfies the court that

- a) The office in question is a public office
- b) It is held by a person without illegal authority
- c) Both The office in question is a public office and It is held by a person without illegal authority
- d) The office in question is a private office

(xxxviii) The _____ is the 'Court of Record'.

- a) Supreme court of North
- b) Supreme Court of India
- c) Supreme court of Russia
- d) Supreme court of Rome

(xxxix) 'Qui facit per alium facit per se' means-

- a) He who does an act through another is deemed in law to do it himself
- b) Injury without damage
- c) Where there is right there is remedy
- d) No man is greater than law

(xl) Essential ingredients of a crime are-

- a) men and women
- b) mens rea and actus reus
- c) Only mens rea
- d) None of these

(xli) "The act itself does not constitute guilt unless done with a guilty mind."

This famous maxim is -

- a) Audi Alterem partem
- b) Ejusdem generis
- c) Causa proxima, non remota spectator
- d) Actus non-facit reum nisi mens sit rea

(xlii) R vs. Prince (1875 LR 2 CCR 154) is mainly coupled with the following principle-

- a) Mens rea
- b) De facto
- c) De jure
- d) Jus civilie

(xliii) 'mens rea' is excluded in the following cases

- a) murder
- b) public nuisance and civil cases
- c) theft and dacoity
- d) both murder and theft and dacoity

(xliv) Two essential elements of a crime are-

- a) actus reus and mens rea
- b) quarrel and slapping
- c) laughing and harmony
- d) loss and personal grudges

(xlv) The legal maxim Actus non-facit reum nisi mens sit rea (The act itself does not constitute guilt unless done with a guilty mind) was established by-

- a) Roman law
- b) Culture
- c) Circumstances
- d) Common law courts

(xlvi) Mens rea denotes-

- a) intent
- b) circumstances
- c) insomnia
- d) civil

(xlvii) The mens rea is second requirement in _____.

- a) tort
- b) crime
- c) circumstances
- d) loss

(xlviii) When two or more successive footnotes refer to the same work which one of the following expression is used?

- a) et.al
- b) op.cit:
- c) ibid
- d) loc.cit.

(xlix) Analytical research is used to know the _____ and to explain what existing law is and whether legislature is competent.

- a) nature of law
- b) news of lawyers
- c) nature of lawyer
- d) nature of loss

(l) Research is conducted to I.Generate new knowledge II.Not to develop a theory III.Obtain research degree IV.Reinterpret existing knowledge

- a) I, III & IV
- b) I, II & III
- c) I & II
- d) II & IV

(li) Research is not considered ethical if

- a) Tries to prove a particular point
- b) Does not investigate the data scientifically
- c) Does not ensure privacy and anonymity of the respondent
- d) Is not of a very high standard

(lii) A good piece of research is a product of

- a) Collective scholarship
- b) A penetrating and analytical mind
- c) A good library
- d) A touch of genius

(liii) Field work based research is classified as _____ research.

- a) historical
- b) empirical
- c) experimental
- d) biological

(liv) Research can be conducted by a person who

- a) has studied research methodology
- b) Possesses thinking and reasoning ability
- c) Holds a PG degree
- d) Is a hard worker

(lv) The essential qualities of a researcher are

- a) Spirit of free enquiry
- b) Reliance on observation and evidence
- c) Systematization or theorizing of knowledge
- d) All of these

(lvi) Research can be classified as

- a) Basic, applied and action research
- b) Survey and experimental research
- c) both Basic, applied and action research
- d) None of these

and Survey and experimental research

(lvii) The legal research basically involves _____ sources.

- a) two
- b) eight
- c) ten
- d) nine

(lviii) _____ is a source of legal research.

- a) Illegal source
- b) Legal sources
- c) Zero sources
- d) One sources

(lix) Legal research is the process of identifying and retrieving information necessary to support _____.

- a) illegal decision making
- b) legal decision making
- c) illogical decision making
- d) none of these

(lx) The legal research for the purpose of law reforms is of _____ types.

- a) two
- b) eight
- c) ten
- d) nine