



BRAINWARE UNIVERSITY

Term End Examination 2022

Programme – LLM-2021/LLM-2022

Course Name – Advanced Jurisprudence/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) Choose the jurist by whom Legal Realism was analyzed in United State.
- | | |
|------------|------------|
| a) Salmond | b) Holmes |
| c) Austin | d) Grotius |
- (ii) Select the name of the custom, itself possessing the force of law
- | | |
|-----------------|------------------------|
| a) Legal custom | b) Conventional custom |
| c) Local custom | d) None of these |
- (iii) Explain the basis of examination of Particular jurisprudence as a science
- | | |
|--|---|
| a) Particular jurisprudence is the science which examine | b) On the element of dear in the ignorance of law |
| c) On the evasion of law | d) On the evasion of law |
- (iv) Identify the kind of law studied under jurisprudence
- | | |
|--------------|-------------|
| a) Religious | b) Moral |
| c) Ethical | d) Positive |
- (v) Locate the source of the word Jurisprudentia as the origin of Jurisprudence.
- | | |
|-----------|------------|
| a) German | b) Latin |
| c) Greek | d) Russian |
- (vi) Identify the examining system of Particular jurisprudence as a science.
- | | |
|------------------------------------|---|
| 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 |
- (vii) Choose the viewer of the following statement: Law grows with the growth of people, strengthens with the strength of the people and finally dies away as a nation loses its nationality.
- | | |
|-----------|-------------|
| a) Maine | b) Savigny |
| c) Hobbes | d) Rousseau |

- (viii) Recommend the correct meaning of the theory of Social engineering propounded by Roscoe Pound
- a) Greatest happiness to greatest number of people b) Changes in the concept and function of state
 c) Balancing of competing interest in the society d) Law has its source in the general consciousness
- (ix) Express the propounder of the following: The truth is right reason in agreement with nature
- a) Salmond b) Grotious
 c) Hart d) Cicero
- (x) Write the name of the new interpreter of natural law during dark ages.
- a) St Augustine b) Thomas Aquinas
 c) Paul d) Ulpian
- (xi) Identify the viewer of the following: "The function of laws should be the promotion of the greatest happiness of the greatest number"
- a) Austin b) Ehrlich
 c) Bentham d) Ihering
- (xii) Cite the name of the Two great American Jurists, considered as the mental fathers of the Realist movement
- a) Austin b) Salmond
 c) Gray d) Holmes
- (xiii) Cite the author of the Book titled "Introduction to Jurisprudence".
- a) Hart b) Kelsen
 c) Duguit d) Pound
- (xiv) Determine that title, which destroys the right.
- a) Extinctive b) Investitive
 c) Original d) Vanishing
- (xv) Determine the origin of Lex Externa as an ordinance
- a) Divine wisdom of universal governance b) Theory of jurisprudence
 c) A school of thought d) None of these

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the nature of jurisprudence. (3)
 3. Interpret the main features of historical school (3)
 4. Illustrate the American Realism (3)
 5. Interpret the relation of jurisprudence with other social sciences. (3)
 6. Justify how Hart's view of law avoids the one sidedness of the Austinian command theory? (3)

OR

Formulate the Roscoe Pound's social engineering theory (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Describe the theories of Duguit. (5)
 8. Illustrate how Hart's view of law avoids the one sidedness of the Austinian command theory (5)
 9. Illustrate the statement "Bentham's legal philosophy is a utilitarian individualism" (5)
 10. Analyze against the deductions that Austin made from his fundamental positions, such as the illimitable and indivisible nature of sovereignty (5)
 11. The feministic approach in law making has taken precedence upon the other (5)

perspectives, Explain.

12. Law is the command of sovereign' - Justify this theory? (5)

OR

Argue in favour of the contribution of Sevigne as propounded of Historical school (5)
