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**BRAINWARE UNIVERSITY**

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Kolkata, West Bengal-700125

Term End Examination 2025-2026**Programme – LL.B.-2021/LL.B.-2022/LL.B.-2023/LL.B.-2024****Course Name – Jurisprudence****Course Code - LLB303****(Semester III)****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) Tell the word jurisprudence is a _____.
- | | |
|----------------|-----------------|
| a) Latin term | b) English term |
| c) Indian term | d) Greek term |
- (ii) Define 'Jurisprudence' in the words of Salmond.
- | | |
|--|------------------------------|
| a) Formal science of positive law | b) Science of civil law |
| c) Scientific synthesis of essential principles of law | d) General principles of law |
- (iii) How Professor Allen defined jurisprudence ?
- | | |
|-----------------------------------|--|
| a) Formal science of positive law | b) Science of civil law |
| c) General principles of law | d) Scientific synthesis of essential principles of law |
- (iv) Recall the meaning of Ratio decidendi of a judgment.
- | | |
|--|---|
| 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 |
- (v) Choose the correct option: Bentham defined law as _____.
- | | |
|--|--|
| a) an assemblage of signs, declarative of volition, conceived or adopted by sovereign in a state | b) a rule made by an intelligent being for the guidance of an intelligent being having power over him. |
| c) Scientific synthesis of essential principles of law | d) Study and systematic arrangement of the general principles of law |
- (vi) Select the kind of jurisprudence which deals with the law as it ought to be is known as:

- a) Analytical jurisprudence
c) Ethical Jurisprudence
- b) Historical Jurisprudence
d) None of these
- (vii) Identify the chief exponent of Command Theory of Law.
a) Salmond
c) Holland
- b) Austin
d) Paton
- (viii) Choose the correct option. _____ is the component of Administration of Criminal Justice.
a) Rule of Law
c) Opinion of the masses
- b) Biasness
d) Arbitrary decision of the judges
- (ix) Who propounded the concept of Grundnorm?
a) Roscoe Pound
c) John Austin
- b) Hans Kelsen
d) Hart
- (x) Select from the followings that Probation is a _____ of the Administration of Criminal Justice.
a) kind
c) component
- b) type
d) characteristic
- (xi) Choose the correct option: 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
- (xii) Recall the meaning of Right in rem.
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.
- (xiii) Select the Demerit of precedent.
a) precedent show respect for the opinion of one's ancestors
c) There is always a possibility of overlooking authorities
- b) precedent brings certainty in law
d) precedent brings flexibility in law
- (xiv) Identify the author of the Book Leviathan.
a) Hobbes
c) Lloyd
- b) Grey
d) Austin
- (xv) Name a source of law that is derived from the long-standing practices and traditions of a community or society.
a) Administrative law
c) Statutory law
- b) Customary law
d) International law

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Develop a brief note on judicial precedent in India. (3)
3. Define Jurisprudence according to Austin. (3)
4. Illustrate the main differences between natural law and legal positivism. (3)
5. Explain Hans Kelsen's Pure Theory of Law and its significance in the realm of legal philosophy. (3)
6. Differentiate between "Right in Re-aliens" and "Right in Re-propria". (3)

OR

- Analyze "Public Rights" and "Private Rights". (3)

Group-C
(Long Answer Type Questions)

5 x 6=30

7. Summarize the core tenets of the Natural Law School. (5)
8. List the Advantages and disadvantages of administration of justice. (5)
9. "Legal personality is a fiction of law"- Identify the viability of this statement. (5)
10. Compare 'ratio decidendi' with 'obiter dicta' in the judicial pronouncement. (5)
11. Evaluate John Austin's "command theory of law" and its significance in the development of analytical law schools. (5)
12. Examine the relevancy of Jural Postulates as stated by Rosco Pound. (5)

OR

Compare the movement of progressive societies from status to contract. (5)

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