



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – LLM-2022/LLM-2023

Course Name – 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) Identify the legal theory that posits that there are inherent moral principles that serve as the foundation for law
 - a) Natural Law School
 - b) Pure Theory of Law
 - c) Analytical School of Law
 - d) Positivist School of Law
 - (iii) Identify the kind of law studied under jurisprudence
 - a) Religious
 - b) Moral
 - c) Ethical
 - d) Positive
 - (iv) Locate the source of the word Jurisprudentia as the origin of Jurisprudence.
 - a) German
 - b) Latin
 - c) Greek
 - d) Russian
 - (v) 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
 - (vi) Recommend the propounder of the principle of 'Social Solidarity'.
 - a) Roscoe Pound
 - b) Duguit
 - c) Savigny
 - d) Bentham
 - (vii) Express the propounder of the following: The truth is right reason in agreement with nature
 - a) Salmond
 - b) Grotius
 - c) Hart
 - d) Cicero
 - (viii) Identify the viewer of the following: "The function of laws should be the promotion of the greatest happiness of the greatest number"

- a) Austin
c) Bentham
- b) Ehrlich
d) Ihring
- (ix) Cite the name of the Two great American Jurists, considered as the mental fathers of the Realist movement
- a) Austin
c) Gray
- b) Salmond
d) Holmes
- (x) Cite the author of the Book titled "Introduction to Jurisprudence".
- a) Hart
c) Duguit
- b) Kelsen
d) Pound
- (xi) Conclude : Bentham's legal philosophy is called
- a) Social solidarity
c) Social engineering
- b) Utilitarian individualism
d) American realism
- (xii) Focus : Austin defined law as
- a) an assemblage of signs, declarative of volition, conceived or adopted by sovereign in a state
c) Scientific synthesis of essential principles of law
- b) a rule made by an intelligent being for the guidance of an intelligent being having power over him.
d) Study and systematic arrangement of the general principles of law
- (xiii) Select : Historical School of Jurisprudence has its origin in
- a) Greek Law of Europe
c) Russian Law of Europe
- b) Roman Law of Europe
d) Law of China
- (xiv) Determine that title, which destroys the right.
- a) Extinctive
c) Original
- b) Investitive
d) Vanishing
- (xv) Determine the origin of Lex Externa as an ordinance
- a) Devine wisdom of universal governance
c) A school of thought
- b) Theory of jurisprudence
d) None of these

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Examine the historical evolution of social contract theory, from its early proponents like Thomas Hobbes and John Locke to contemporary applications in political philosophy. (3)
3. Identify the relationship between Law and Justice. (3)
4. Examine the various branches and schools of jurisprudence, from analytical jurisprudence to sociological jurisprudence. (3)
5. Evaluate the scope of jurisprudence in understanding the nature of law. (3)
6. Evaluate the role of judicial decisions as a source of law and also determine how do judges' interpretations and precedents contribute to the development of common law, and what challenges may arise when balancing precedent with evolving societal norms with reference to the Constitution of India. (3)

OR

- Evaluate the natural law school of thought and its core principle that laws should be in harmony with moral and ethical values. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. The feministic approach in law making has taken precedence upon the other perspectives, Explain. (5)
8. Explain the theories of Duguit (5)
9. Law is the command of sovereign- Justify this theory? (5)

10. Define each schools of jurisprudence in brief. (5)
11. State the term "sources of law" and write brief definition of each sources of law. (5)
12. Evaluate the foundational principles of natural law schools and their influence on modern legal systems. (5)

OR

Evaluate the criticisms and challenges posed to natural law schools in the context of contemporary ethical and legal debates. (5)
