



BRAINWARE UNIVERSITY

Term End Examination 2021 - 22

Programme – Bachelor of Business Administration & Bachelor of Law

Course Name – Jurisprudence

Course Code - BBALLB603

(Semester VI)

Time allotted : 1 Hrs.15 Min.

Full Marks : 60

[The figure in the margin indicates full marks.]

Group-A

(Multiple Choice Type Question)

1 x 60=60

Choose the correct alternative from the following :

- (1) The word jurisprudence is a

a) Latin term	b) English term
c) Indian term	d) Greek term
- (2) 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
- (3) According to Professor Keeton jurisprudence is study and systematic arrangement of the general principles of law

a) Scientific synthesis of essential principles of law	b) Study and systematic arrangement of the general principles of law
c) Formal science of positive law	d) General principles of law
- (4) According to Kelsen, jurisprudence is

a) Formal science of positive law	b) Study and systematic arrangement of the general principles of law
c) science of norms or normative science	d) General principles of law
- (5) 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
- (6) According to Salmond the purpose of jurisprudence is

- a) exposition of law
c) legal history
- b) science of law
d) All of these
- (7) Austin classified jurisprudence as
- a) exposition of law and censor of law
c) general jurisprudence and particular jurisprudence
- b) exposition of law and science of law
d) exposition of law and legal history
- (8) Customary law has derived its origin from
- a) Custom
c) Legislation
- b) Precedent
d) All of these
- (9) According to Salmond,
- a) custom covers anything said or done which furnishes a rule for subsequent practice
c) custom is the embodiment of those Principles which have been commended themselves to the national conscience as principles of justice and public utilit
- b) custom is the source of law, which countries in the declaration of legal rule competent authority.
d) custom is legislation
- (10) According to Austin
- a) custom covers anything said or done which furnishes a rule for subsequent practice
c) custom is the source of law, which countries in the declaration of legal rule competent authority.
- b) custom is not the source of law but it takes a shape of law when the camp of recognition by the state
d) custom is legislation
- (11) Gray has defined precedent as
- a) precedent covers anything said or done which furnishes a rule for subsequent practice
c) precedent is the source of law, which contains in the declaration of legal rule competent authority.
- b) precedent is not the source of law but it takes a shape of law when the camp of recognition by the state
d) precedent is legislation
- (12) Demerit of precedent is
- 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
- (13) Obiter dicta means
- a) Observations made by the Judge, but are not essential for the decision reached.
c) The law relating to the control of power of judiciary
- b) the principles of law formulated by the Judge for the purpose of deciding the problem before him
d) precedent brings flexibility in law
- (14) Supreme legislation is that
- a) which is not independent and under the control of another country
c) which proceeds from sovereign power in the state.
- b) laws made by the executive
d) the laws and the rules made by the supreme court

- (15) Judicial legislation is
- a) the laws and the rules made by the court
 - b) the law made by local bodies
 - c) which proceeds from sovereign power in the state.
 - d) which is not independent and under the control of another country
- (16) Autonomous legislation is
- a) which proceeds from sovereign power in the state.
 - b) the laws and the rules made by the supreme court
 - c) which is not independent and under the control of another country
 - d) law made by autonomous bodies
- (17) 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
- (18) Austin 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
- (19) The author of the book 'Province of Jurisprudence determined' is
- a) John Austin
 - b) Jeremy Bentham
 - c) Von Savigny
 - d) Roscoe Pound
- (20) Historical School of Jurisprudence has its origin in
- a) Greek Law of Europe
 - b) Roman Law of Europe
 - c) Russian Law of Europe
 - d) Law of China
- (21) The reason for the rise of Historical School of Jurisprudence is
- a) Problem of codification in Greece
 - b) Problem of codification in Germany
 - c) Problem of codification in America
 - d) Problem of codification in Italy
- (22) The main thesis or framework of hisistorical School was framed by
- a) Savigny
 - b) Salmond
 - c) Austin
 - d) Thibaut
- (23) Historical School of Jurisprudence says that
- a) Society is superior to legislation
 - b) Precedent is superior to legislation
 - c) Custom is superior to legislation
 - d) Legislation is superior to custom
- (24) Historical School of Jurisprudence opines that development of law depends upon
- a) The development of courts
 - b) The development of society
 - c) The development of tribnal
 - d) The development of sovereign
- (25) Savigny was
- a) Against codification of law in Germany
 - b) In favour of codification of law in Germany
 - c) Neither in favour of or against codification of law in Germany
 - d) Not supposed to provide any view
- (26) According to Savigny, codification in law should be preceded by

- a) An analysis of court's judgment
c) Command of the sovereign
- b) An analysis of law of nature
d) An organic, progressive and scientific study of law
- (27) Savigny's theory proposes that
- a) Law is the product of nature
c) Law is the command of the sovereign
- b) Law is what judges declare
d) Law is a matter of unconscious and organic growth
- (28) One of the disciple of Savigny is
- a) Salmond
c) Austin
- b) Puchta
d) Kelsen
- (29) The term 'Sociology' has been coined by
- a) August Comte
c) Austin
- b) Salmond
d) Kelsen
- (30) _____ states that all the actions of human beings are controlled by two sovereigns, namely 'pain' and 'pleasure'
- a) Hedonism
c) Realism
- b) Utilitarianism
d) Formalism
- (31) The sources of law were classified by _____ and _____
- a) Salmond/Keeton
c) Hobbes/Holland
- b) Salmond/Austin
d) None of these
- (32) _____ is a source of law.
- a) Media
c) Religion
- b) Internet
d) Precedent
- (33) The book Leviathan was written by _____.
- a) Hobbes
c) Lloyd
- b) Grey
d) Austin
- (34) The thing on which the right is to be exercised is known as _____ of right.
- a) Characteristic
c) Subject
- b) Object
d) Content
- (35) The term person is derived from Latin term persona which means _____
- a) Human being
c) Animals
- b) Living thing
d) Mask
- (36) A good jurist is supposed to have a fair knowledge of _____ for he in jurisprudence is usually concerned with _____ of human beings.
- a) Astronomy/fate
c) Ethics/earnings
- b) Chemistry/lives
d) Psychology/state of mind
- (37) "A theory of Justice" is the work of
- a) Stammler
c) Hall
- b) Rawls
d) Morris
- (38) The book "Jurisprudence or Theory of the Law", awarded with Swiney Gold Cup in 1914 by Royal Society of Arts, was written by _____
- a) Austin
c) H.L.A. Hart
- b) Salmond
d) Hobbes

- (39) Lex Externa is the ordinance of:
- a) Devine wisdom of universal governance
 - b) Theory of jurisprudence
 - c) A school of thought
 - d) None of these
- (40) Discordance between law and fact may arise because:
- a) Presumptiojuris or presumption of law
 - b) Reputable (Rebuttable) Presumption and Conclusive Presumption
 - c) Fictio Juris or fiction of law
 - d) All of these
- (41) Codification is a process of transformation of corpus juris into:
- a) Precedent
 - b) Executed Law
 - c) Enacted Law
 - d) None of these
- (42) An unborn child has a legal status so far as:
- a) Duties on him
 - b) Rights of unborn child
 - c) Defamation of unborn child
 - d) None of these
- (43) Injuria sine damna means:
- a) Injury to a legal right with an actual damage
 - b) Injury to a legal right without an actual damage
 - c) No injury to a legal right with an actual damage
 - d) No injury to a legal right without an actual damage
- (44) _____ hold that jurisprudence is the study of law as it is.
- a) Naturalists
 - b) Positivists
 - c) Realists
 - d) Historical Jurist
- (45) Legislation is a _____ source of law.
- a) Historical
 - b) Legal
 - c) Comprehensive
 - d) Natural
- (46) According to analysts, jurisprudence is the study of:
- a) Ideal law
 - b) Concrete law
 - c) International law
 - d) Positive law
- (47) The chief exponent of Command Theory of Law was:
- a) Salmond
 - b) Austin
 - c) Holland
 - d) Paton
- (48) The liability in which the sole intention of the law is to enforce the plaintiff's right and not to punish the wrong-doer is known as:
- a) Constructive liability
 - b) Penal liability
 - c) Equitable liability
 - d) Remedial liability
- (49) Particular jurisprudence is the science which examine:
- a) Actual and single system of law
 - b) Actual and double system of law
 - c) Actual and common system of law
 - d) None of these
- (50) Court deals with:
- a) Question of law
 - b) Question of fact
 - c) Mixed factor of question of law and fact
 - d) All of these
- (51) Administration of justice does not follow:
- a) Justice
 - b) Fair play
 - c) Equity
 - d) Technicalities of law

- (52) Mistake of fact is:
- a) Not an excuse
 - b) A good excuse
 - c) Mistake of law
 - d) None of these
- (53) Main pioneer of the Sociological Jurisprudence is
- a) Montesquieu
 - b) Hege
 - c) Sir Henry Maine
 - d) None of these
- (54) Law is the sum of conditions of social life as secured by the power of the state through the means of external compulsion- this statement relates to which school of jurisprudence
- a) Historical
 - b) Analytical
 - c) Realist
 - d) Sociological
- (55) Law grows with the growth of people, strengthens with the strength of the people and finally dies away as a nation loses its nationality-this statement was made by:
- a) Maine
 - b) Savigny
 - c) Hobbes
 - d) Rousseau
- (56) Criticizing Savigny's theory, who said that "Savigny encouraged juristic pessimism"
- a) Montesquieu
 - b) Maine
 - c) Allen
 - d) Pound
- (57) Who categorized the subject of jurisprudence as Expository Jurisprudence and Censorial Jurisprudence
- a) Holland
 - b) Bentham
 - c) Salmond
 - d) Paton
- (58) Holland defined a legal right
- 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.
- (59) According to Austin legal right
- 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.
- (60) Characteristics of legal right are
- a) Subject of the right
 - b) Person of incidence
 - c) Content of the right
 - d) All of these