

**ZIA JUDICIALS**

1. **Jurisprudence is concerned with:**
  - a) To discover new rules
  - b) To reflect on the rules already known
  - c) To derive rules from authority and apply them to problems
  - d) Logic
2. **Who said: “Jurisprudence is nothing but the ‘lawyers extroversion’?”**
  - a) Bentham
  - b) Stone
  - c) Austin
  - d) Holland
3. **Law consists of social norms which are:**
  - a) Coercive
  - b) Ethical
  - c) Non-coercive
  - d) Religious
4. **Who said: “Legislation has the same center with morals, but it has not the same circumference?”**
  - a) Holland
  - b) Salmond
  - c) Kelsen
  - d) Bentham
5. **Who has called Austinian Analytical school as “Imperative school?”**
  - a) Hart
  - b) Salmond
  - c) Allen
  - d) Bentham
6. **Which of the following is *not* a statement from the Austinian theory?**
  - a) Every law is a command, imposing a duty, enforced by a sanction
  - b) Law is a rule laid down for the guidance of an intelligent being by an intelligent being having power over him
  - c) A ‘legal rule’ can be defined as one which prescribes a code of conduct, which is done with the feeling that such conduct is obligatory
  - d) If a determinate human superior not in a habit of obedience to a like superior, receives habitual obedience from the bulk of a given society, that determinate superior is ‘sovereign’ in that society
7. **Which of the following is *not* a statement from the Hart’s theory?**

- a) Law is a system of social rules which acquire the character of legal rules
  - b) The union of the primary and secondary rules constitutes the core of a legal system
  - c) A 'legal rule' can be defined as one which prescribes a code of conduct, which is done with the feeling that such conduct is obligatory
  - d) The law is a normative ('law as a coercive order') and not a natural science
- 8. The *grundnorm*, according to Kelson could be:**
- a) Constitution
  - b) Will of a dictator
  - c) Principal '*pacta sunt servanda*'
  - d) All of the above
- 9. Mark the *incorrect* option**
- a) Command-Austin
  - b) Rules-Hart
  - c) Norms-Kelson
  - d) None of the above
- 10. The Philosophical school seeks to investigate**
- a) Quest of the law
  - b) Purpose for which a particular law has been enacted
  - c) The philosophical basis of the law
  - d) None of the above
- 11. "Law is a product of social life and is not created by arbitrary will of individual but by slow unavoidable advancement of human development". This statement belongs to:**
- a) Analytical school
  - b) Historical school
  - c) Sociological school
  - d) None of the above
- 12. *Volksgeist* means:**
- a) Natural will
  - b) Popular consciousness
  - c) Social customary law
  - d) Both (a) and (c)
- 13. Who said: "Customs not only precede legislation, but are even superior to it"?**
- a) Puchta
  - b) Maine
  - c) Burke
  - d) Savigny
- 14. Who said: "The end of law should be to satisfy a maximum of wants with a minimum of friction?"**
- a) Ihering

- b) Bentham
- c) R. Pound
- d) Hugo

15. Which of the following is *incorrectly* matched?

- I. Fuller- Inner morality
- II. Bentham- Utilitarianism
- III. Maine- Status to contract
- IV. Duguit- Command theory
- V. Hart- Rules on fundamentals of a legal system

Codes:

- a) None except I
- b) None except III
- c) None except IV
- d) None of the above

16. Mark the *incorrect* option

- a) 'The Concept of Law': Hart
- b) 'Vom Beruf': Savigny
- c) 'Sociology of law': Weber
- d) None of the above

17. Who said: "Customary law is the real law of the people, while the rest is only a superimposition?"

- a) Austin
- b) Savigny
- c) Salmond
- d) Hart

18. The maxim *Ejusdem generis* means:

- a) Of the same kind or nature
- b) When particular words are followed by general words, the general words are constructed as limited to things of the same kind as specified in the particular words
- c) Both (a) and (b)
- d) None of the above

19. The maxim *Generalia specialibus non-derogant* means:

- a) A general later law does not abrogate an earlier special law by mere implication
- b) A general later law abrogates an earlier special law by mere implication
- c) A special later law does not abrogate an earlier general law by mere implication
- d) None of the above

20. *Obiter dicta* refers to:

- a) Material facts to the case plus the decision thereon
- b) Observations made by a court in a particular case

- c) Hypothetical facts, illustrations and casual expressions made by a court in a particular case  
d) Both (b) and (c)
- 21. Who said: “A right is a ‘faculty which resides in a determine party or virtue of a given law and which avails against a party or parties other than the parties in whom it resides”?**
- a) Austin  
b) Salmond  
c) Hart  
d) Kelson
- 22. The object of right is called**
- a) Jus  
b) Res  
c) Sine  
d) Lex
- 23. When a power is coupled with a liberty to exercise it, it is called**
- a) Discretionary power  
b) Ministerial power  
c) Wrongful power  
d) Relative power
- 24. Who said: “The child in womb is not a legal personality and can have no right”?**
- a) Savigny  
b) Bentham  
c) Paton  
d) Salmond
- 25. A company is vested with a district corporate personality from the members who compose it was held in:**
- a) *Salomon v Salomon & Co.*  
b) *Dalmier Co. Ltd. v Continental Tyre Co.*  
c) *Bridges v Hawkesworth*  
d) Both (a) and (b)
- 26. According to which theory, only human beings can have interests and rights and that a corporation is only a legal device or formula which will enable very complex jural relations to be understood more easily?**
- a) Fiction theory  
b) Realist theory  
c) Purpose theory  
d) Bracket theory
- 27. Who said: “Possession is the most basic relationship between men and things?”**
- a) Salmond

- b) Allen
  - c) Savigny
  - d) Hart
- 28. *Corpus possessionis* and *animus domini* were the essential for possession?**
- a) Savigny's theory
  - b) Salmond's theory
  - c) Both (a) and (b)
  - d) None of the above
- 29. Which of the following is *not* a component of Salmond's theory?**
- a) Distinction between corporeal possession and incorporeal possession
  - b) *Corpus possessionis* and *animus possidendi*
  - c) Possession has become a concept of the utmost technicality
  - d) An expectation of non-interference is necessary for the constitution of possession.
- 30. A day-old-baby or a person in coma**
- a) Does not have possession in fact, but may have possession in law
  - b) Does not have possession in law, but may have possession in fact
  - c) Does not have any *corpus* and *animus*
  - d) Both (a) and (c)
- 31. In *Bridges v Hawkesworth* held that notes found on the floor of a shop passed into the possession of the**
- a) Shopkeeper
  - b) Finder
  - c) Landowner
  - d) None of the above
- 32. A person can claim adverse possession if he is openly in possession of another's land for an unbroken period of**
- a) 6 years
  - b) 8 years
  - c) 12 years or more
  - d) 10 years
- 33. The defence of *jus tertii* implies**
- a) When the defendant pleads that neither the plaintiff nor he has the title, and some third person is the true owner
  - b) When the defendant pleads that he has the title
  - c) When the plaintiff pleads that he has the title
  - d) None of the above
- 34. Who said: "Ownership is a right indefinite in point of *user*, unrestricted in point of *disposition* and unlimited in point of *duration*"?**
- a) Austin
  - b) Salmond

- c) Keeton
  - d) Holland
- 35. Who said: “Ownership is not a right but a handle of rights, privileges, powers, etc.”?**
- a) Austin
  - b) Salmond
  - c) Keeton
  - d) Holland
- 36. Ownership subject to condition subsequent is:**
- a) Contingent
  - b) Vested
  - c) Neither (a) nor (b)
  - d) Both (a) and (b)
- 37. Res nullius rule implies:**
- a) A right of easement acquired after a passage of time prescribed by law.
  - b) Owner of a tree has the right to the fruits of the tree
  - c) For a previously ownerless object, who took it first became the owner
  - d) Where there is extinction of previous ownership by an independent adverse act of acquirer
- 38. Possession is *prima facie* evidence of ownership**
- a) Always
  - b) Only in certain situations
  - c) Neither (a) nor (b)
  - d) Reverse is true
- 39. In Hindu law (before 1956), Women’s estate entail**
- a) Absolute ownership
  - b) Limited ownership
  - c) Neither (a) nor (b)
  - d) *Spes acquisitionis/successionis*
- 40. Mark the *incorrect* statement:**
- a) Possession is the *de facto* exercise of a claim; ownership is the *de jure* recognition of the facts
  - b) A claim to possession may be maintained by one’s self-asserting will but a claim to ownership is legally protected by the will of the state
  - c) Ownership strives to realize itself in possession and possession endeavour to justify itself as ownership
  - d) Possession and ownership do not differ in their mode of acquisition
- 41. Who said: “Jurisprudence is the formal science of positive law”?**
- a) Bentham
  - b) Stone

- c) Austin  
d) Holland
- 42. Jurisprudence has been defined as “the science of the first principle of civil law” by:**
- a) Salmond  
b) Holland  
c) Gray  
d) Paton
- 43. Who said: “Law may be described in terms of a legal tacitly or formally accepted by a community?”**
- a) Austin  
b) Holland  
c) Paton  
d) Bentham
- 44. Who said: “Law may be defined as the body of principles recognized and applied by the state in the administration of justice?”**
- a) Austin  
b) Holland  
c) Salmond  
d) Gray
- 45. Who said: “The law of every modern State shows at a thousand points the influence of both the accepted social morality and wider moral ideal?”**
- a) Austin  
b) Holland  
c) Salmond  
d) Hart
- 46. Who said: “Justice is the end of law; morals being part of justice, becomes end of justice?”**
- a) Austin  
b) Holland  
c) Paton  
d) Bentham
- 47. Theory of Utilitarian Individualism (‘Every law should be tested on the anvil of principle of utility’) was propounded by:**
- a) Savigny  
b) Maine  
c) Puchta  
d) Bentham
- 48. The Father of English Jurisprudence is:**
- a) Austin

- b) Holland
- c) Kelson
- d) Bentham

**49. The founder of Analytical school is**

- a) Austin
- b) Holland
- c) Kelson
- d) Bentham

**50. According to Austin, law is**

- a) Command of a sovereign
- b) Command of God
- c) Command of people
- d) Command of Constitution

**51. Who said: “Some of the “puzzles” connected with the idea of legal validity are said to concern the relation between the validity and efficacy of law?”**

- a) Kelson
- b) Hart
- c) Salmond
- d) Allen

**52. Which of the following is *not* a statement from the Kelsen’s theory?**

- a) If X happens, then Y ought to happen
- b) There is a ‘hierarchy of norms’, each norm being valid on the presupposed validity of some other norm
- c) Law is a system of social rules which acquire the character of legal rules
- d) None of the above

**53. Mark the *incorrect* option:**

- a) ‘The Province of Jurisprudence Determined’: Austin
- b) ‘The Concept of Law’: Hart
- c) ‘Vienna School’ of legal thought: Kelsen
- d) None of the above

**54. Who said: “Law is the result of genius of the people?”**

- a) Allen
- b) Savigny
- c) Both (a) and (b)
- d) Puchta

**55. Who said: “Law grows with the growth, and strengthens with the strength of the people, and finally dies away as the nation loses its nationality?”**

- a) Bryce
- b) Maine
- c) Burke



d) Savigny

**56. Mark the *incorrect* option:**

- a) Burke- Gradual and organic process
- b) A. Comte- Organic concept of society
- c) Ehrlich- Concept of living law
- d) Savigny- Sociological jurisprudence

**57. Which of the following is the ‘ultimate’ source of law?**

- a) Constitution
- b) Legislation
- c) Custom
- d) Precedent

**58. A custom to be valid should not be in conflict with a statute is applicable:**

- a) In India only
- b) In England only
- c) Both (a) and (b)
- d) Nowhere in the world

**59. It is one of the cardinal principle of delegated legislation that the Legislature should not delegate to a subordinate body the power to make rules on:**

- a) Technical matter
- b) Policy matter
- c) Matter of inclusion and exclusion
- d) Date of commencement of a statute

**60. Mark the *incorrect* option:**

- a) Literal rule- Grammatical or plain meaning rule
- b) Golden rule- Purpose of legislation
- c) Harmonious construction rule- Social welfare legislation
- d) Literal rule- Strict interpretation

**61. Which of the following is an Internal aid to construction of a statute?**

- a) Title
- b) Preamble
- c) Proviso and Explanation
- d) All of the above

**62. The expression “Sententia legis” refers to:**

- a) Consensus
- b) Unwritten law
- c) Verbal expression of law
- d) True intention of legislature

**63. Which of the following is *not* an External aid to construction of a statute?**

- a) Parliamentary Debates
- b) Statement of Object and Reasons

- c) Books and Dictionaries  
d) Marginal Notes
- 64. Precedents which law down new principles of law are**  
a) Original precedents  
b) Declaratory precedents  
c) Both(a) and (b)  
d) None of the above
- 65. Who said: “Case law is gold in mine while statue law is coin of the realm ready for immediate use?”**  
a) Grotius  
b) Hugo  
c) Puchta  
d) Salmond
- 66. The Doctrine of *Stare decisis* is applicable in which of the country:**  
a) India  
b) England  
c) U.S.A  
d) All of the above
- 67. *Ratio decidendi* of a case can be defined as the:**  
a) Material facts of the case plus the decision thereon  
b) *Obitor dicta* of the case plus the decision thereon  
c) The decision of a case  
d) None of the above
- 68. The *Obitor dicta* of the Supreme Court is binding on:**  
a) All other courts  
b) High Courts only  
c) Not binding on other courts, but of persuasive value and may be considered by courts  
d) None of the above
- 69. Who said: “Right spring from right”**  
a) Austin  
b) Salmond  
c) Hart  
d) Allen
- 70. Rights in *re propria* means the:**  
a) Rights in one’s own things  
b) Rights in the things of others  
c) Encumbrances  
d) Both (b) and (c)
- 71. Mark the *incorrect* option:**  
a) Liberty- Freedom from the claim of other

- b) Duty- Gives content to the claim of a person
- c) Power- Ability of a person to change legal relations
- d) Absolute duty- Have a correlative claim

**72. Mark the *incorrect* option:**

- a) Immunity- Freedom from the power of another
- b) Disability- Absence of power
- c) *Nemo dat quod non habet*- Disability on the part of persons in general to transfer property that they do not themselves own
- d) Disability- 'No-right'.

**73. Natural persons being human beings are:**

- a) Person in fact
- b) Person in law
- c) Both (a) and (b)
- d) None of the above

**74. Which of the following is *not* a Corporate sole?**

- a) Sovereign or king
- b) Postmaster-general
- c) Municipal corporation
- d) Secretary of state

**75. According to which theory, the corporation, not being a 'real' person, cannot have any 'personality' of its own; it has no will, no mind, and no ability to act?**

- a) Fiction theory
- b) Realist theory
- c) Purpose theory
- d) Concession theory

**76. Incorporeal possession implies:**

- a) Right to trade mark, copyright, goodwill, etc.
- b) Right to possess a material thing
- c) Right to easement
- d) None of the above

**77. *Animus domini* refers to**

- a) Effective physical control
- b) Intention to hold as owner
- c) Power to dominate
- d) Intention to dominate

**78. 'Possession is nine points of law'. It implies**

- a) Possession has become a pure technicality of the law
- b) A person in possession is owner, unless the contrary established, for example, someone establishes a superior title
- c) Possession is a variable concept of the law

- d) None of the above
- 79. A gave to B a piece of land on lease for a gas project. While excavating the land, the workman of B found a prehistoric boat 6 feet's beneath the land. B claimed possession of it, as a finder of the thing of which A was unaware (i.e. A had no *corpus* or *animus*).**
- a) B's claim is justified  
b) Legal possession of thing is with A  
c) Legal possession of thing is with A, as he was the possessor of land  
d) None of the above
- 80. If A leaves his car with the driver, the driver's possession will be**
- a) Immediate whereas that of X would be mediate  
b) Mediate whereas that of X would be immediate  
c) Incorporeal whereas that of X would be corporeal  
d) Corporeal whereas that of X would be incorporeal
- 81. Who said: "Law may be defined as the body of principles recognized and applied by the State in the administration of justice?"**
- a) Austin  
b) Holland  
c) Salmond  
d) Gray
- 82. Who said that the aim of law should be "the greatest good of greatest number of people?"**
- a) Savigny  
b) Maine  
c) Puchta  
d) Bentham
- 83. Natural law principles are common to all states. It is expressed by:**
- a) Jus gentium  
b) Jus cogens  
c) Jus civile  
d) None of the above
- 84. 'Experimental jurisprudence' was given by:**
- a) Ihering  
b) Bentham  
c) R.Pound  
d) Hugo
- 85. For whom it is said that he was "Darwinian before Darwin"?**
- a) Austin  
b) Puchta  
c) Savigny

d) Salmond

**86. Mark the correct option:**

- a) 'Limits of Jurisprudence Defined': Bentham
- b) 'Province of Jurisprudence Determined': Austin
- c) 'Elements of Jurisprudence': Holland
- d) None of the above

**87. Which of the following is *not* an essential attribute of a custom?**

- a) Antiquity
- b) Continuity
- c) Deliberation
- d) *Opinio juris*

**88. The supreme legislation is**

- a) Not subject to any control
- b) Subject to control of Constitution
- c) Subject to control of Executive
- d) None of the above

**89. According to which, *ratio decidendi* is nothing more than the decision based on the material facts of a case?**

- a) Dias
- b) Wambaugh
- c) Goodhart
- d) Bentham

**90. All cases of *Damnum sine injuria* are cases of :**

- a) Disability
- b) Liability
- c) Liberty
- d) No-right

# ZIA JUDICIALS

## JURISPRUDENCE TEST SERIES ANSWER KEY

1.	B	26.	D	51.	B	76.	A
2.	B	27.	A	52.	C	77.	B
3.	A	28.	A	53.	D	78.	B
4.	D	29.	C	54.	B	79.	C
5.	C	30.	D	55.	D	80.	A
6.	C	31.	B	56.	D	81.	C
7.	D	32.	C	57.	A	82.	D
8.	D	33.	A	58.	C	83.	A
9.	D	34.	A	59.	B	84.	C
10.	B	35.	B	60.	C	85.	C
11.	B	36.	B	61.	D	86.	D
12.	B	37.	C	62.	D	87.	C
13.	D	38.	B	63.	D	88.	B
14.	C	39.	B	64.	A	89.	C
15.	D	40.	D	65.	D	90.	D
16.	D	41.	D	66.	D		
17.	B	42.	A	67.	A		
18.	C	43.	C	68.	C		
19.	A	44.	C	69.	D		
20.	D	45.	D	70.	A		
21.	A	46.	C	71.	D		
22.	B	47.	D	72.	D		
23.	A	48.	A	73.	C		
24.	C	49.	D	74.	C		
25.	A	50.	A	75.	A		
101.	C	111.	A	121.	D		
102.	B	112.	B	122.	D		
103.	B	113.	B	123.	C		
104.	A	114.	A	124.	A		
105.	D	115.	D	125.	C		
106.	A	116.	B	126.	A		
107.	C	117.	D	127.	A		
108.	C	118.	C	128.	A		
109.	C	119.	A	129.	B		
110.	A	120.	C	130.	A		

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