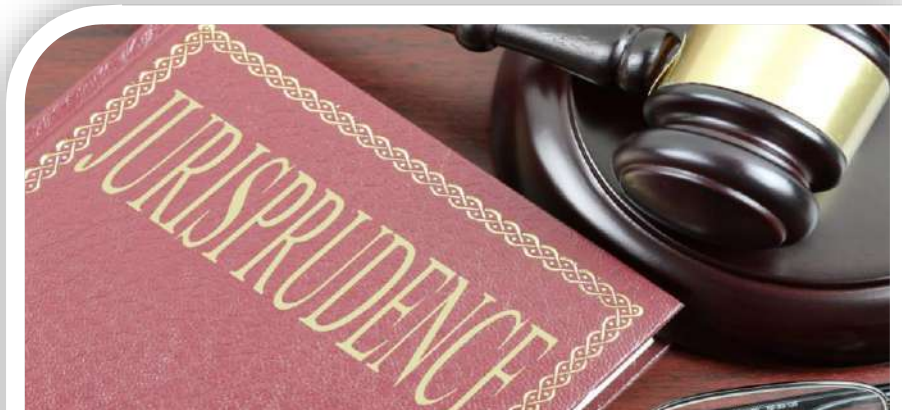




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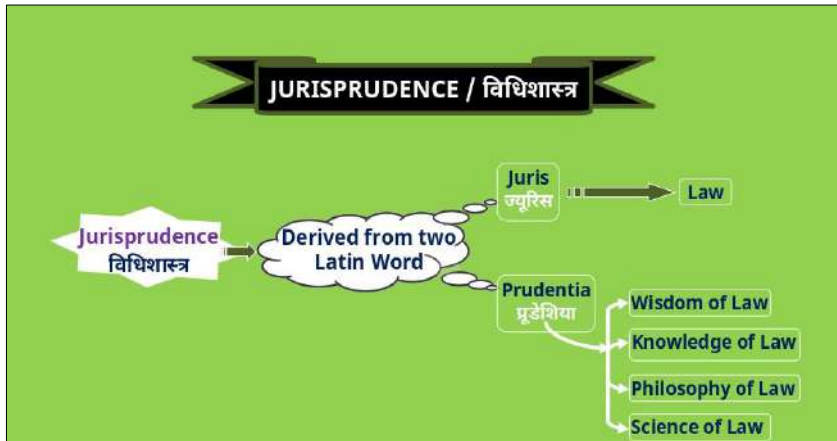


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DEFINITION BY EMINENT JURISTS



ULPAIN : A Celebrated Roman Jurist (170A & 228AD)

The observation of things Human and divine,
the knowledge of Just and unjust

CRITICISM : Being meta - physical in Nature
its value cannot be Evaluated

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John Austin [1790 AD - 1859 AD]

Jurisprudence is the Philosophy of Positive Law

He Separated the meta - Physical controversy from Legal Enterprise

Criticism

The Term Philosophy & positive law are misleading

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◆.....▶ Thomas Erskine Holland [1835AD - 1926AD]

Jurisprudence is formal science of Positive Law

◆.....▶ Formal Means 'Fundamental Legal Principles'

◆.....▶ **Criticism**
The Term Philosophy of Austin definition led Holland to present this definition

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◆.....▶ Salmond [1862AD - 1924AD]

The Science of the first principles of Civil Law



SCIENCE : A systematic Intellectual Inquiry



CIVIL LAW : The whole corpus of law applicable in a State



By the Term 'Law' Salmond means 'Positive Law'



FIRST PRINCIPAL : Fundamental Principals

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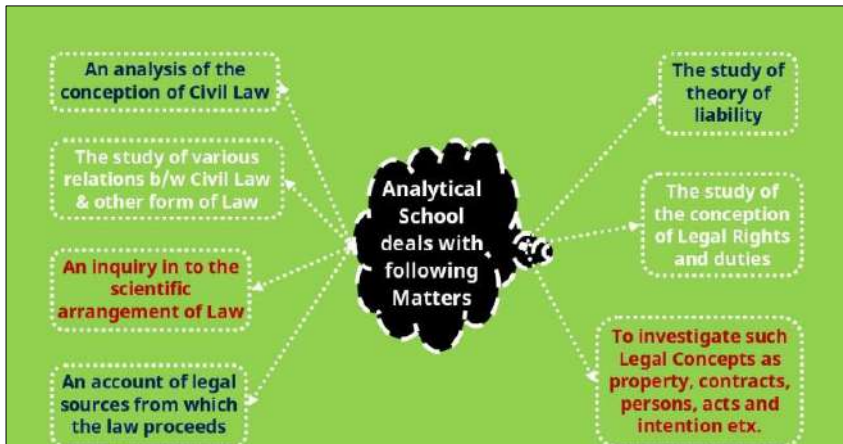


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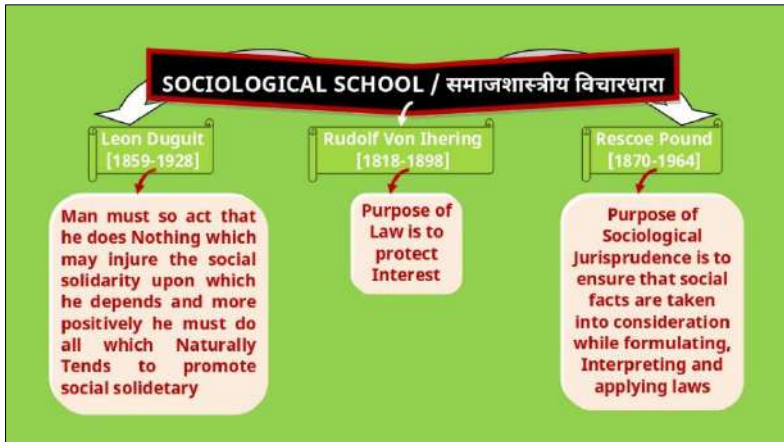
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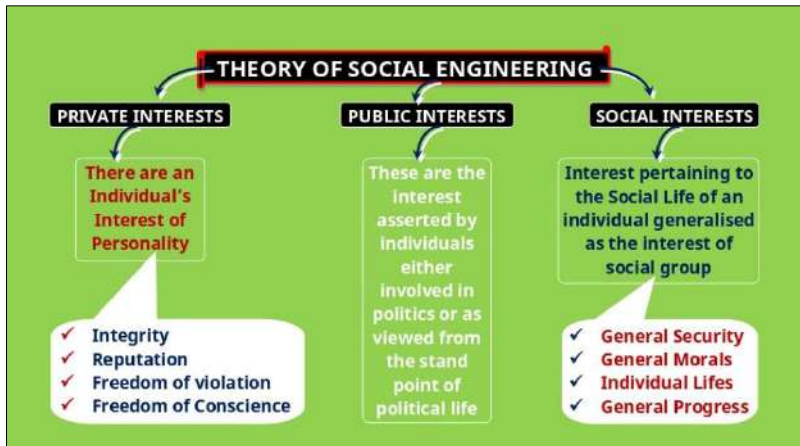


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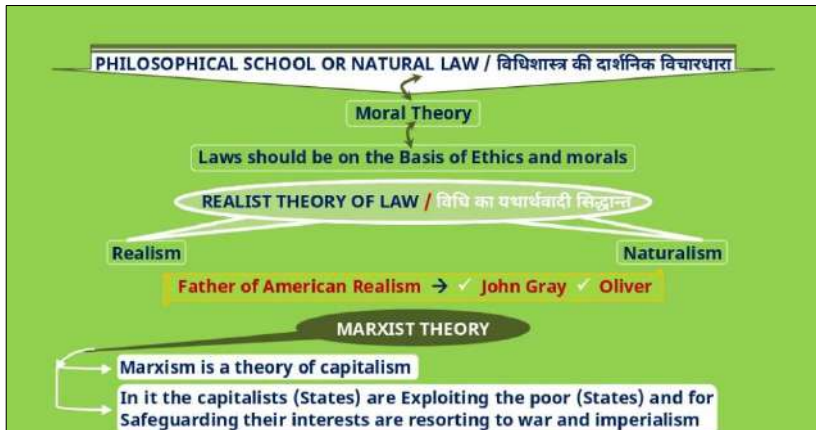


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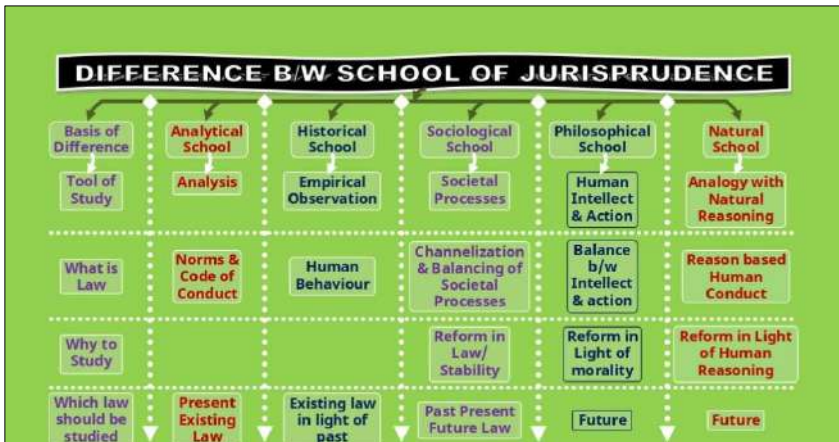
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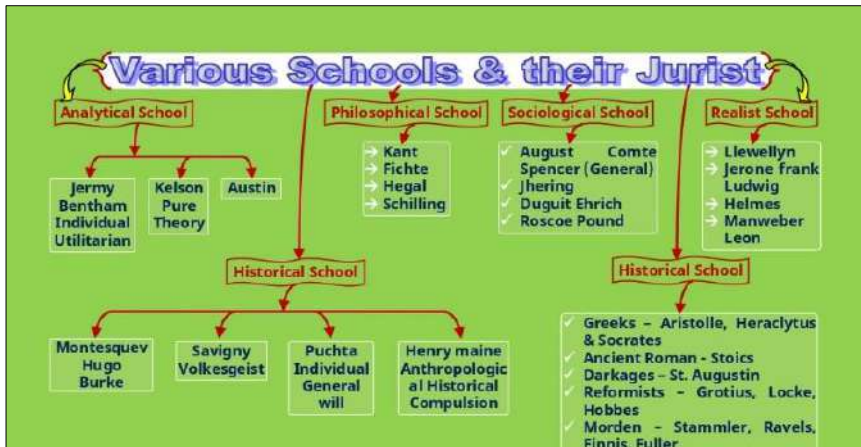


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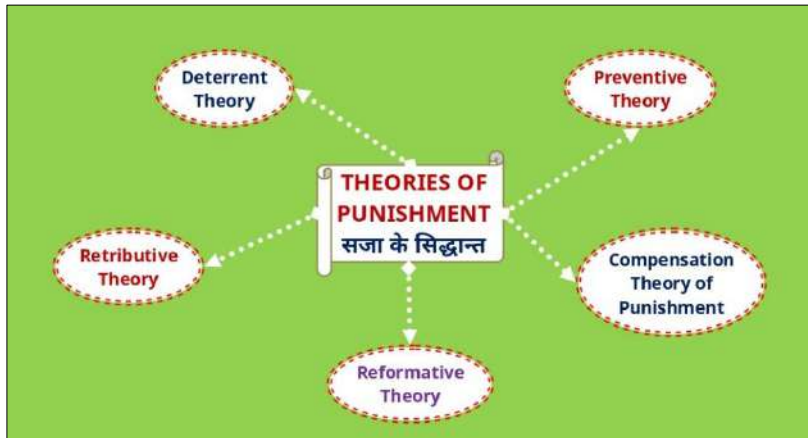


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DETERRENT THEORY

"To deter" in literal sense means to abstain from doing an act

OBJECTIVE

The object is not to prevent the wrongdoer from doing the wrong act as a second time but also to make him an example to other

FOR EXAMPLE

◆◆◆◆ Death Penalty

◆◆◆◆ Forfeiture of Wrongdoer's Property



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RETRIBUTIVE THEORY

RETRIBUTIVE → In literal Sense means Punitive, Pay back or Return to

OBJECTIVE → The Wrongdoer suffers the same quality of harm and injury which the victim suffered. Thus, the wrongdoers doesn't commits the crime again the fear of Retribution



For Eg.: Right of Self Defence

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PREVENTIVE THEORY

Also known as Theory of disablement


Theory is Based on the Proposition :
Not to Avenge Crime, But to Prevent it

OBJECTIVE

Offenders are disabled from repeating the same crime by awarding punishments

For Example :

- ✓ All Penal Laws
- ✓ Imprisonment
- ✓ Fine
- ✓ Cancellation of License



Preventive Theory of Punishment

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REFORMATIVE THEORY

◆.....▶ Theory is Based on the Proposition :- "Hate the Sin, not the sinner"

OBJECTIVE

The main purpose is reformation of the Criminal. Thus it works on mental cure of the offenders rather than awarding punishment



For Example

- ✓ Juvenile Justice System
- ✓ Probation of offenders
- ✓ Open Prisons
- ✓ Lunatic offenders given treatment without sending them to prisoners

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COMPENSATION THEORY OF PUNISHMENT

OBJECTIVE

The object of punishment must not be merely to prevent future crimes, but also to compensate the victim

PUNISHMENT IN IPC

- ✓ 1st - Death - Section 121, 132, 194, 302, 305, 396, 307
- ✓ 2nd - Imprisonment - Rigorous - 194, 449, 164, 169, 172, 174, 175-176, 178-180 & 187, 188, 223, 225A, 228, 291, 341, 500, 501, 502, 510
- ✓ 5th - Forfeiture of Property - 60 & 62, 126, 127, 169
- ✓ 6th - Fine - 137, 154, 155, 171 G-H-I, 278, 283, 290, 290A



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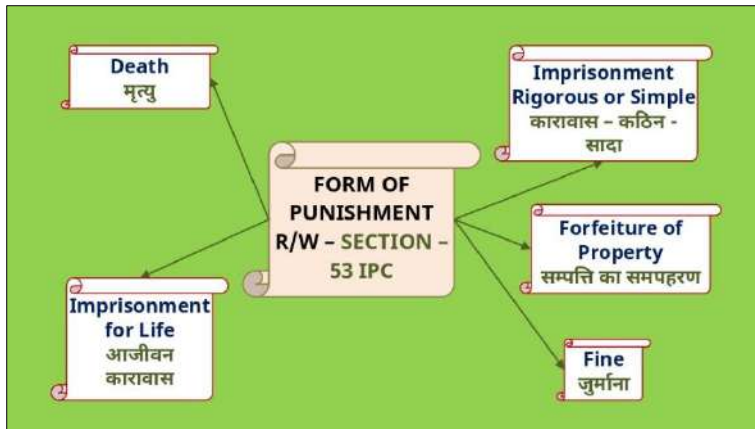
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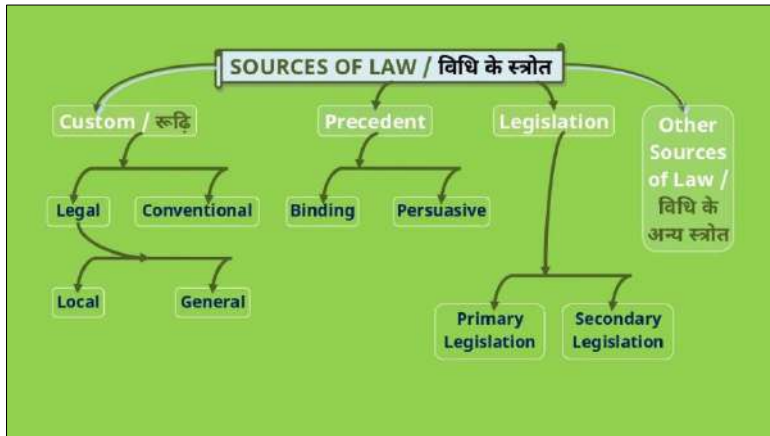
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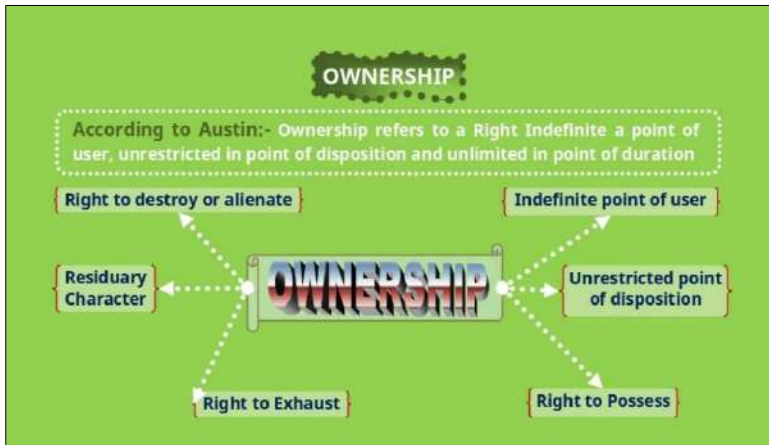
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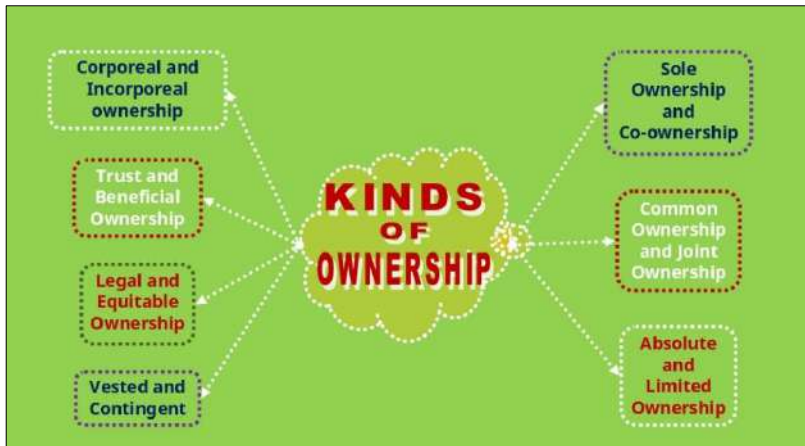
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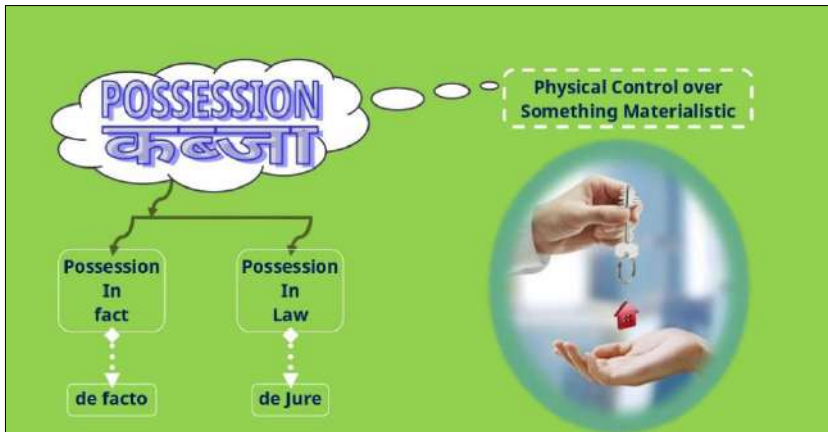
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OWNERSHIP AND POSSESSION

Ownership is an absolute authority over the property

It holds unlimited and uncontrolled Rights over the Property

It is a union of ownership and possession

It is a de jure Concept

Ownership right is a wider concept

It is a perfectly Legal Right of shows Legal Situations

It consists the Bundle of Rights and all the Rights in Rem

Possession is physical control over the property

It is a Limited Concept of Right

It is a Single concept giving no Right of ownership

It is a de facto concept

Possession is a right of consumption only

It is a possessory Right only. It should shows Real Position

It is a prima facie a proof of or Evidence of ownership



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Possession :

SC Case	B. Gangadhar V. Ramalingam 1995 "Possession is the objective realisation of ownership"

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Jurisprudence



1. "Some shared morality is essential to the existence of any society / "किसी समाज के अस्तित्व के लिए आंशिक नैतिकता आवश्यक है।" - Hart
2. "Public Policy is a unruly bors" / "लोक नीति एक अनियंत्रित फ्लेक्स है" Justice Brandeis

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Jurisprudence

3. "Law is uncertain and certainty of law is a legal myth" / "विधि अनिश्चित है और विधि की निश्चितता एक विधिक कपोल कल्पना है।" - Jerome Frank

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Jurisprudence

4. "The matter of jurisprudence is positive law, law simply and strictly so called or law set by political superior to political inferiors" / "विधिशास्त्र का विषय विध्यात्मक विधि है, विधि जिसे सहज में और यथार्थतः ऐसा कहा जाता है अथवा राजनीतिक वरिष्ठों द्वारा राजनीतिक, कनिष्ठों के लिए बनायी गयी विधि है।" - Allen
5. The principal jurist of the philosophical school दार्शनिक विचारधारा का प्रमुख विधि शास्त्री - Hegel
6. Father of English jurisprudence / अंग्रेजी विधिशास्त्र का जनक कहा जाता है -Austin

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Jurisprudence

7. "Law is found not made, it is self-existent" / "विधि पायी जाती है, बनायी नहीं जाती - Historical School
8. "Law is what the judges declares." / "विधि वह है जो न्यायाधीश घोषित करते हैं।" - Gray
9. Jurisprudence as "Lawyer's Extroversion" / "विधिशास्त्र वकीलों का बहिमुखता का स्वर्ग है।" - Julius Stone

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10. "Movement of progressive societies have hitherto been from status to contract." / "प्रगतिशील समाज का संचरण प्रास्थिति से संविदा की ओर हो रहा है।" - Henry Maine
11. "Custom is to society what law is to the State." / "समाज के लिए प्रथा का वही महत्व है, जो कानून का राज्य के लिए है।" - Salmond
12. "To preserve one's life is generally speaking a duty, but it may be the highest duty to sacrifice it." "अपने जीवन को सुरक्षित रखना सामान्यतः एक कर्तव्य है परन्तु इसको दूसरों के लिए बलिदान कर देना परम कर्तव्य है।" - Lord Coleridge

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13. "The Courts fuel-life into the dead words of statute" / "न्यायालय संविधि के मृत शब्दों में जीवन फूंकने का कार्य करते हैं"- Gray
14. "Law is not universal in nature, like language, it varies with people and ages." / "विधि की प्रकृति सार्वभौमिक नहीं है। भाषा की भाँति यह व्यक्तियों और काल के साथ परिवर्तित होती रहती है।" - Volksgeist
15. "Judges not only discover law but also they made law." "न्यायाधीश केवल विधि की खोज ही नहीं करते परन्तु वे विधि का निर्माण भी करते हैं।" - Gray

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16. "law is not to be deduced from the rule but the rule from the law" / "विधि नियम मे से नहीं अपितु नियम विधि से निकाला जाता है - Paulus

17. "The only right which any man an possess is the right always to do his duty" / "एकमात्र अधिकार जो मनुष्य का हो सकता है, वह सदैव अपने कर्तव्य को करने का है" - Dugit

18. "Ownership is a plenary control over an object." / "स्वामित्व किसी पदार्थ पर पूर्ण नियंत्रण है।" - Holland

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19. "Legal order is a pyramid of norms" / "विधिक क्रम मानकों का स्तूप है।" - Kelson
20. "Law is reason free from all Passion" / "विधि मनोभाव से मुक्त तर्क है।" - Aristotle
21. "Jurisprudence is the scientific synthesis of essential principles of law" / "विधिशास्त्र विधि के आवश्यक सिद्धान्तों का वैज्ञानिक संश्लेषण है" - Allen

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22. "Jurisprudence is the philosophical aspect of the knowledge of law" / "विधिशास्त्र विधि के ज्ञान का दार्शनिक पक्ष है।" - Cicero
23. "Jurisprudence is the knowledge of things, human and devine; the science of just and unjust." / "विधिशास्त्र मानवीय एवं दैवीय वस्तुओं का ज्ञान है, न्याय व अन्याय का विज्ञान है।" - Ulpian
24. "Law grows with the nation, increases with it, and dies with its dissolution and it is a characteristic of it." / विधि राष्ट्र के साथ पैदा होती है, उसी के साथ बढ़ती है और उसके विघटन के साथ समाप्त हो जाती है और यही उसकी विशेषता है।"

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25. "The theory of social solidarity" / "सामाजिक एकता का सिद्धान्त" - Duguit
26. "Now, natural law is not considered as absolute but as relative. It is natural law with variable contents." / "अब प्राकृतिक विधि निरपेक्ष के रूप में नहीं समझी जाती है, अपित सापेक्ष के रूप में समझी जाती है।" - Stammler
27. Interpretation is that process by which the courts seek to ascertain the meaning of law through medium of authoritative sources in which is expressed." / "निर्वचन वह प्रक्रिया है जिसके द्वारा न्यायालय, कानून का अर्थ का अतिशय साफ़ से साफ़ से निर्दिष्ट करने का

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28. "Jurisprudence the knowledge of Things, human and divine; the science of just & unjust./ "विधिशास्त्र मानवीय एवं दैविक बीजों का ज्ञान है: न्याय व अन्याय का विज्ञान है।" - **Ulpain**
29. "Ownership is a plenary control over an object"/"स्वामित्व किसी पदार्थ पा सम्पूर्ण रूप से नियन्त्रण है।" - **Holland**
30. "Justice is the first virtue of social institution is the observation"/ "न्याय सामाजिक संस्थाओं का प्रथम गुण है।" - **John Rawls**

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Jurisprudence

31. "The search for natural law will continue as long as there perceived to be injustice in the world"/ जब तक विश्व में अन्याय महसूस होगा नैसर्गिक विधि की खोज जारी रहेगी - Lord Lloyd of Hampstead
32. Jurisprudence is the "Scientific Synthesis of essential principles of law" / "विधिशास्त्र विधि के मुलभूत सिध्दान्तों का वैज्ञानिक संश्लेषण है।" - C K Allen

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Jurisprudence

95. "Some shared morality is essential to the existence of any society" is the observation of:
"किसी समाज के अस्तित्व के लिए आंशिक नैतिकता आवश्यक है।"
यह किसका संप्रेक्षण है?

- (a) Jeremy Bentham/ जेरमी बेंथम का
- (b) Austin/ ऑस्टिन का
- (c) Fuller/ फुलर का
- (d) Hart/ हार्ट का

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Jurisprudence

96. Who said that, "Public Policy is a unruly horse"?

किसने कहा था कि, "लोकनीति एक अनियंत्रित घोड़ा है"?

(a) Justice Atkin/ न्यायाधीश एटकिन ने

(b) Justice Wright/ न्यायाधीश राइट ने

(c) Justice Deny/ न्यायाधीश डैनी ने

(d) Justice Borrough/ न्यायाधीश बोरो ने

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Jurisprudence

97. "Law is uncertain and certainty of law is a legal myth". This is the statement of:/"विधि अनिश्चित है और विधि की निश्चितता एक विधिक कपोल कल्पना है।" यह कथन है :

- (a) Jerome Frank/जेरोम फ्रैंक का
- (b) Holmes/ होम्स का
- (c) Gray/ ग्रे का
- (d) Lievellyn/ लिवेलिन का

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98. According to whom, "The matter of jurisprudence is positive law, law simply and strictly so called or law set by political superior to political inferiors"? "विधिशास्त्र का विषय विध्यात्मक विधि है, विधि जिसे सहज में और यथार्थतः ऐसा कहा जाता है अथवा राजनीतिक वरिष्ठों द्वारा राजनीतिक, कनिष्ठों के लिए बनायी गयी विधि है।" ऐसा कहा:

- (a) Allen/ ऐलन ने
- (b) Austin/ ऑस्टिन ने
- (c) Buckland/ बकलैण्ड ने

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Jurisprudence

99. The principal jurist of the philosophical school was :/दार्शनिक विचारधारा का प्रमुख विधि शास्त्री कौन था?

- (a) Herbert Spencer/ हरबर्ट स्पेंसर
- (b) Sir Henry Maine/ सर हेनरी मेन
- (c) Max Weber/ मैक्स वेबर
- (d) Hegel/ हीगल

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Jurisprudence

100. Who of the following author is said as father of English jurisprudence, namely:/निम्न में से किसे अंग्रेजी (आंग्ल) विधिशास्त्र का जनक कहा जाता है, मुख्यतः

- (a) Austin/ ऑस्टिन को
- (b) Bentham/ बेन्थम को
- (c) Salmond/ सामण्ड को
- (d) Roscoe Pound/ रोस्को पौण्ड को

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101. Which one of the following is not a case relating to doctrine of precedent?/ निम्न में से कौन-सा वाद पूर्व निर्णय के सिद्धान्त से सम्बन्धित नहीं है?

- (a) Sajjan Singh v. State of Rajasthan
सज्जन सिंह बनाम राजस्थान राज्य
- (b) Prakash Chand Pathak v. State of U.P./ प्रकाश चन्द्र पाठक बनाम उत्तर प्रदेश राज्य
- (c) Liversidge v. Anderson/लिबरसिज बनाम एण्डरसन
- (d) Bengal Immunity Co. Ltd. v. State of Bihar/बंगाल इम्यूनिटी कम्पनी लि० बनाम बिहार

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Jurisprudence

102. Which one of the following schools of legal thought held the view that, "Law is found not made, it is self existent"?/विधिक विचारधाराओं की किस शाखा का यह मत है कि "विधि पायी जाती है, बनायी नहीं जाती, यह स्वयं विद्यमान है?
- (a) Historical School/ ऐतिहासिक शाखा का
 - (b) Analytical School/ विश्लेषणात्मक शाखा का
 - (c) Sociological School/समाजशास्त्रीय शाखा का
 - (d) Realistic School/ यथार्थवादी शाखा का

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Jurisprudence

103. "Law is what the judges declares." This statement relates to which of the following thinkers? / "विधि वह है जो न्यायाधीश घोषित करते हैं।" यह कथन निम्न में से किस विचारक का है?

- (a) Jerome Frank/ जेरोम फ्रैंक का
- (b) Julius Stone/ जूलियस स्टोन का
- (c) Gray/ ग्रे का
- (d) Holmes/ होल्मस का

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Jurisprudence

104. Who described jurisprudence as "Lawyer's Extroversion"?/ "विधिशास्त्र वकीलों का बहिमुखता का स्वर्ग है।" यह किसने कहा?

- (a) Savigny/ सैविग्नी ने
- (b) Salmond/ सामण्ड ने
- (c) Julius Stone/ जूलियस स्टोन ने
- (d) Buckland/ बकलैण्ड ने

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Jurisprudence

105. The Law means/विधि से अभिप्राय है

- (a) The entire body of rules in a State / राज्य का सम्पूर्ण विधि विधान
- (b) A particular law/ कोई विशिष्ट कानून
- (c) The rules of morality/नैतिकता के नियम
- (d) The rules of natural Justice/प्राकृतिक न्याय के नियम

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Jurisprudence

106. "Movement of progressive societies have hitherto been from status to contract."

Who said so?

"प्रगतिशील समाज का संचरण प्रास्थिति से संविदा की ओर हो रहा है।" किसने ऐसा कहा है?

- (a) Bentham/ बेंथम ने
- (b) Rosco Pound/ रास्को पाउण्ड ने
- (c) Henry Maine/ हेनरी मेन ने
- (d) Saigny / सेवेग्नी ने

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Jurisprudence

107. Legal Right is an Interest :/विधिक अधिकार एक हित है, जो :

- (a) Recognised by law/विधि द्वारा मान्यता प्राप्त है
- (b) Protected by law/ विधि द्वारा संरक्षित है
- (c) Both (a) and (b) are correct/दोनों (a) और (b) सही हैं
- (d) None of the above/ उपरोक्त में से कोई नहीं

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Jurisprudence

108. The concept of Austin's sovereignty is influenced by the ideologies of which of the following person?/ऑस्टिन की सम्प्रभुता की अवधारणा निम्न में से किस व्यक्ति के विचारों से प्रभावित है?

- (a) Hobbs/ होब्स के
- (b) Locke/ लॉक के
- (c) Rousseau/ रूसो के
- (d) Montesque/ मान्टेस्क्यू के

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109. The State is the synthesis of family and civil society. It is the unity of the universal principle of family and the particular principle of civil society. The above philosophy is of:

राज्य परिवार तथा सिविल समाज का संश्लेषण है। यह परिवार के सर्वमान्य सिद्धान्त एवं सिविल समाज के विशिष्ट सिद्धान्त की एकता है। उपर्युक्त दर्शन है:

- (a) Hegel/ हीगल का
- (b) Rosco Pound/ रॉस्को पाउण्ड का
- (c) Austin/ ऑस्टिन का

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110. Which of the following theories relating to legal rights has been propounded by Ihering?/विधिक अधिकार से सम्बन्धित निम्न में से कौन-सा सिद्धान्त इहरिंग द्वारा प्रतिपादित किया गया है?
- (a) Will Theory/ इच्छा का सिद्धान्त
 - (b) Concession Theory/रियायत का सिद्धान्त
 - (c) Realist Theory/ यथार्थवादी सिद्धान्त
 - (d) Interest Theory/ हित सिद्धान्त

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Jurisprudence

111. Which of the following are correct combinations?/निम्नलिखित में से कौन से सही समुच्च्य हैं?

1. Bentham and Natural law./बेन्थम तथा प्राकृतिक विधि
2. Austin and Positivism./ऑस्टिन तथा विश्लेषणात्मक वाद
3. Rosco Pound and Sociological School of Jurisprudence./रास्को पाउण्ड तथा समाजकीय विधिशास्त्र
4. Henery Maine and Philosophical School of Jurisprudence. Select the correct answer using the code given below:/हेनरीमेन तथा दार्शनिक विचारधारा निम्नलिखित कूटों की सहायता से सही उत्तर चुनिए:

(a) 1 and 2 only/ केवल 1 और 2

(b) 2 and 3 only/ केवल 2 और 3

(c) 3 and 4 only/ केवल 3 और 4

(d) 1, 2 and 3/1, 2 और 3

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Jurisprudence

112. Custom is to society what law is to the State." It has been said by:

"समाज के लिए प्रथा का वही महत्व है, जो कानून का राज्य के लिए है।" यह कथन किसका है?

- (a) Dias/ डायस का
- (b) Salmond/ सामण्ड का
- (c) Lloyd/ लायड का
- (d) Finch/ फिन्च का

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Jurisprudence

113. Rule of State Succession was first incorporated from the Roman law by :/रोमन विधि से राज्य उत्तराधिकार के नियम को प्रथम बार किसके द्वारा समाविष्ट किया गया था?
- (a) Bentham/ बेन्थम द्वारा
 - (b) Kelsen/ केल्सन द्वारा
 - (c) Oppenheim/ ओपेनहेम द्वारा
 - (d) Grotius/ ग्रीशियस द्वारा

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Jurisprudence

114. "To preserve one's life is generally speaking a duty, but it may be the highest duty to sacrifice it." This observation was made in *Queen v. Dudley and Stephens* by :/ "अपने जीवन को सुरक्षित रखना सामान्यतः एक कर्तव्य है परन्तु इसको दूसरों के लिए बलिदान कर देना परम कर्तव्य है।" यह टिप्पणी क्वीन बनाम डडले एण्ड स्टीफेंस वाद में की गयी थी, द्वारा :

- (a) Lord Denman/ लॉर्ड डेनमेन
- (b) Lord Coleridge/ लॉर्ड कोलरिज
- (c) Lord Action/ लॉर्ड ऐक्टन

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115. Dealing with the sources of law who amongst the following was said that, "The Courts fuel-life into the dead words of statute"?

विधि के स्रोतों की विवेचना करते हुए निम्नलिखित में से किसने कहा है कि, "न्यायालय संविधि के मृत शब्दों में जीवन फूंकने का कार्य करते हैं"?

- (a) Holland/ हॉलैण्ड ने
- (b) Gray/ ग्रे ने
- (c) Slamond/ सामण्ड ने
- (d) Austin/ ऑस्टिन ने

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116. "Law is not universal in nature, like language, it varies with people and ages." This proposition follows from the theory of:/"विधि की प्रकृति सार्वभौमिक नहीं है। भाषा की भाँति यह व्यक्तियों और काल के साथ परिवर्तित होती रहती है।" यह कथन किस सिद्धान्त से सम्बन्धित है?

- (a) Social utilitariznism/सामाजिक उपयोगितावाद से
- (b) Volksgeist/ वाक्जीस्ट से
- (c) Social Solidarity/ सामाजिक समेकता से
- (d) Social Engineering/सामाजिक अभियांत्रिकी

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Jurisprudence

117. "Judges not only discover law but also they made law." this view is supported by :/
"न्यायाधीश केवल विधि की खोज ही नहीं करते परन्तु वे विधि का निर्माण भी करते हैं।" इस विचार के समर्थक हैं:

- (a) Gray/ ग्रे
- (b) Dicey/ डायसी
- (c) Salmond/ सामण्ड
- (d) Blackstone/ ब्लैकस्टोन

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Jurisprudence

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Jurisprudence

59. Who said that "law is not to be deduced from the rule but the rule from the law"?/ किसका कथन है कि "विधि नियम मे से नहीं अपितु नियम विधि से निकाला जाता है?"
- (a) Paulus/ पौलस का
 - (b) Gray/ ग्रे का
 - (c) Ulpan/ आल्पियन का
 - (d) Salmond/ सामण्ड का

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60. "The only right which any man can possess is the right always to do his duty", says:/"एकमात्र अधिकार जो मनुष्य का हो सकता है, वह सदैव अपने कर्तव्य को करने का है" कहा है :

- (a) Ihring/ इहरिंग ने
- (b) Ehrlich/ इहरलिच ने
- (c) Roscoe Pound/ रास्को पाउण्ड ने
- (d) Dugit/ ड्यूगिट ने

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61. Point out best response :

सर्वोत्तम उत्तर को इंगित कीजिए

According to Austin, law has the following attributes:/

आस्टिन के अनुसार विधि के निम्नलिखित गुण हैं :

- (a) Command, sovereign and enforceability/समादेश, सम्प्रभु और प्रवर्तनीयता
- (b) Command, sovereign and sanction/ समादेश, सम्प्रभु और अनुशास्ति
- (c) Command, sovereign and legal remedy/ समादेश, सम्प्रभु और विधिक उपचार
- (d) Command, sovereign and obedience by

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Jurisprudence

62. Which one of the following jurists belongs to ancient theories of natural law? / निम्नलिखित में से कौन सा विधिशास्त्री प्राकृतिक विधि की विचारधारा के प्राचीन सिद्धान्त से सम्बन्धित है?
- (a) Aquinas/ एक्यूनास
 - (b) Grotius/ ग्रोसियस
 - (c) Kohler/ कोहलर
 - (d) Societies/ सुकरात

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Jurisprudence

63. Which one of the following is not an essential element of custom?

निम्नलिखित में से कौन सा रूढ़ि का आवश्यक तत्व नहीं है?

- (a) Antiquity/ प्राचीनता
- (b) Certainty/ निश्चितता
- (c) Peaceful enjoyment/ शान्तिपूर्ण उपभोग
- (d) Inconsistency/ असुसंगति

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64. Give correct response :/ सही उत्तर दीजिए:

- (a) The obiter dictum has binding force/ इतरोक्ति में बाध्यकारी बल होता है
- (b) Ratio decidendi has binding force / विनिश्चयाधार में बाध्यकारी बल होता है
- (c) ratio decidendi and obiter dictum both have binding force/विनिश्चयाधार और इतरोक्ति दोनों ही बाध्यकारी बल रखते हैं
- (d) Neithe ratio decidendi nor obiter dictum has binding force/न तो विनिश्चयाधार और न ही इतरोक्ति बाध्यकारी बल रखते हैं

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Jurisprudence

65. Which one of the following is not a safeguard against delegated legislation?/
निम्नलिखित में से कौन प्रत्यायोजित विधान की सुरक्षा नहीं है?

- (a) Parliamentary control/संसदीय नियन्त्रण
- (b) Judicial control/ न्यायिक नियन्त्रण
- (C) Publication/ प्रकाशन
- (d) Public control/ जन-नियन्त्रण

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66. Point out incorrect response :

गलत उत्तर को इंगित कीजिए:

Ownership is classified in the following ways:/स्वामित्व का निम्नलिखित प्रकार से वर्गीकरण किया गया है:

- (a) Corporeal and Incorporeal ownership/ मूर्त और अमूर्त स्वामित्व
- (b) Mediate and Immediate ownership/ मध्यवर्ती और तात्कालिक स्वामित्व
- (c) Sole and Co-ownership/ एकल और सह-स्वामित्व
- (d) Vested and Contingent ownership/ निहित और समाश्रित स्वामित्व

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Jurisprudence

67. Who prefers to call Austin's Analytical School as Imperative School?/आस्टिन की विश्लेषणात्मक विचारधारा को कौन आदेशात्मक विचारधारा कहना पसन्द करता है?

- (a) Allen/ एलेन
- (b) Paton/ पैटन
- (c) Salmond/ सामण्ड
- (d) Holland/ हालैण्ड

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Jurisprudence

68. Which one of the following case is related to possession? / निम्नलिखित में से कौन सा वाद कब्जा से सम्बन्धित है ?

- (a) R. V. Chissers/ आर० बनाम चिजर्स
- (b) Merry v. Green/ मैरी बनाम ग्रीन
- (c) R. v. Hudson/ आर० बनाम हडसन
- (d) Gallie v. Lei and others/ गैली बनाम ली व अन्य

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Jurisprudence

69. Which one of the followings not a legal person?/निम्नलिखित में से कौन विधिक व्यक्ति नहीं है?
- (a) Idol of Goddess Durga/दुर्गा भगवती की मूर्ति
 - (b) State of Kerala/ केरल राज्य
 - (c) A registered society/ एक पंजीकृत सोसाइटी
 - (d) Mosque/ मस्जिद

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70. Which one of the following is not an element of legal right?/ निम्नलिखित में से कौन सा विधिक अधिकार का तत्व नहीं है?
- (a) The subject i.e. holder or right/ अधिकार का भोक्ता अर्थात् वह व्यक्ति जिसमें अधिकार निहित है
 - (b) The object of right/अधिकार का विषय या सम्बन्धित वस्तु
 - (c) The act or forbearance/ कार्य या प्रविरति
 - (d) Legal remedy/ विधिक उपचार

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Jurisprudence

71. Jurisprudence as a separate branch of discipline was started :/ विधिशास्त्र को पृथक विद्या के रूप में किसने प्रतिपादित/प्रस्तुत किया था?
- (a) Hindu Scholars/ हिन्दू मनीषियों ने
 - (b) Chistian Community/ ईसाई समुदाय ने
 - (c) Romans/ रोमन ने
 - (d) Jews/ यहूदियों ने

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Jurisprudence

72. The "Province and Function of Law named book was written by :/'द प्रोविन्स एण्ड फंक्शन ऑफ लॉ' नामक पुस्तक लिखी गयी थी।
- (a) Hart/ हार्ट द्वारा
 - (b) Kelsen/ केल्सन द्वारा
 - (c) Pound/ पाउण्ड द्वारा
 - (d) Julius Stone/ जुलियस स्टोन द्वारा

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Jurisprudence

73. Time barred debt is a:/अवधि-बाधित ऋण है:
- (a) Perfect Right/एक पूर्ण अधिकार
 - (b) Imperfect Right/ अपूर्ण अधिकार
 - (c) Right in rem/ सर्वबन्धी अधिकार
 - (d) None of the above/उपर्युक्त में से कोई नहीं

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Jurisprudence

137. Austin's book "the province of Jurisprudence Determined" is: ऑस्टिन की पुस्तक "दी प्रॉविन्स ऑफ जुरिस्पूडेन्स डिटरमिन्ड" है :

- (a) his autobiography/ उसकी आत्मरक्षा
- (b) the lectures delivered in the London University/लंदन विश्वविद्यालय में दिये गये व्याख्यान
- (c) an answer to an essay by Gray on Parliamentary Government/संसदीय सरकार पर ग्रे के निबंध का उत्तर

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138. Which one of the following is not an essential element of Custom?

निम्नलिखित में से कौन एक रूढ़ि का आवश्यक तत्व नहीं है?

- (a) A custom must be certain/रूढ़ि निश्चित होना चाहिये
- (b) A custom must be reasonable/ रूढ़ि को युक्तियुक्त होना चाहिये
- (c) A custom may not have been Practiced continuously/रूढ़ि का निरंतर अनुपालन आवश्यक नहीं है
- (d) A custom be in conformity with statute law/ रूढ़ि को संविधि के समरूप होना चाहिए

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Jurisprudence

139. Which one of the following is not a theory of unishment?/निम्नलिखित में से कौन एक दण्ड का सिद्धान्त नहीं है

- (a) Preventive theory/निरोधात्मक सिद्धान्त
- (b) Social interest theory/सामाजिक हित का सिद्धान्त
- (c) Deterred theory/ प्रतिरोधात्मक सिद्धान्त
- (d) Retributive theory/प्रतिशोधात्मक सिद्धान्त

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Jurisprudence

140. "Ownership is a plenary control over an object." This definition is given by:/"स्वामित्व किसी पदार्थ पर पूर्ण नियंत्रण है।" यह परिभाषा दी गई है
- (a) Austin/ ऑस्टिन द्वारा
 - (b) Holland/ हॉलैण्ड द्वारा
 - (c) Salmond/ सामण्ड द्वारा
 - (d) Pound/ पाउण्ड द्वारा

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Jurisprudence

141. "Legal order is a pyramid of norms" is the statement of:/"विधिक क्रम मानकों का स्तूप है।" यह कथन है:

- (a) Austin/ऑस्टिन का
- (b) Kelson/ केल्सन का
- (c) Salmond/ सामण्ड का
- (d) Fuller/ फूलर का

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Jurisprudence

142. In law the Hart-Fuller controversy relates to:/विधि में हार्ट-फुलर विवाद सम्बन्धित है :

- (a) Definition of law/ विधि की परिभाषा से
- (b) Classification of law/विधि के वर्गीकरण से
- (c) Law and morality/विधि एवं नैतिकता से
- (d) Sanction/ शास्ति से

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143. "The movement of progressive societies has hitherto been a movement from status to contract it is said by:/"प्रगतिशील समाजों का संचालन अब तक प्रास्थिति (हैसियत) से संविदा की ओर हुआ है।" यह कथन है:

- (a) Henry Maine/ हेनरी मेन का
- (b) Hegal/ हीगल का
- (c) Savigny/ सैविग्नी का
- (d) Cicero/ सिसरो का

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Jurisprudence

144. The theory of lifting the veil of corporate personality was evolved in: / निगमित व्यक्तित्व का अवगुण्ठन (घुंघट) को उठाने का सिद्धान्त प्रतिपादित किया गया था :

- (a) Merry v. Green/ मैरी बनाम ग्रीन में
- (b) Soloman v. Solomon/सोलोमन बनाम सोलोमन में
- (c) In re-Cohen/ इन रि-कोहेन में
- (d) Ancona v. Rosers/एनकोना बनाम रोजर्स में

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Jurisprudence

145. "Law is found not made" concept of law belongs to :/"कानून पाया जाता है बनाया नहीं" की अवधारणा सम्बन्धित है :

- (a) Sociological school/सामाजिक विचारण से
- (b) Analytical school/विश्लेषणात्मक विचारधारा से
- (c) Historical school/ऐतिहासिक विचारधारा से
- (d) Philosophical school/दार्शनिक विचारधारा से

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Jurisprudence

146. "Jurisprudence is the scientific synthesis of essential principles of law" has been said by:/"विधिशास्त्र विधि के आवश्यक सिद्धान्तों का वैज्ञानिक संश्लेषण है" कथन है :

- (a) Allen/ एलेन का
- (b) alland/ हॉलैण्ड का
- (c) Bentham/ बैन्थम का
- (d) Austin/ ऑस्टिन का

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Jurisprudence

147. "Jurisprudence is the philosophical aspect of the knowledge of law" has been said by :/ "विधिशास्त्र विधि के ज्ञान का दार्शनिक पक्ष है।" यह कथन है:

- (a) Salmond/ सामण्ड का
- (b) Dias/ डायस का
- (c) Cicero/ सिसरो का
- (d) Paton/ पैटन का

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Jurisprudence

148. "Jurisprudence is the knowledge of things, human and devine; the science of just and unjust." has been said by:/"विधिशास्त्र मानवीय एवं दैवीय वस्तुओं का ज्ञान है, न्याय व अन्याय का विज्ञान है।" यह कथन है :

- (a) Keeton/कीटन का
- (b) Ulpian/ अल्पियन का
- (c) Julius Stone/ जूलियस स्टोन का
- (d) Austin/ ऑस्टिन का

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149. "Law grows with the nation, increases with it, and dies with its dissolution and it is a characteristic of it." It is said by :/ "विधि राष्ट्र के साथ पैदा होती है, उसी के साथ बढ़ती है और उसके विघटन के साथ समाप्त हो जाती है और यही इसकी विशेषता है।" यह कथन है:

- (a) Salmond/सामण्ड
- (b) Savigny/ सैविग्नी का
- (c) Henry Maine/ हेनरीमेन का
- (d) Buckland/ बकलैण्ड का

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Jurisprudence

150. "The theory of social solidarity" has been propounded by:/"सामाजिक एकता का सिद्धान्त" प्रतिपादित किया है:

- (a) Duguit/ यूगिट ने
- (b) Thering/ इहरिंग ने
- (c) Lloyed/ लॉयड ने
- (d) Comte/ कॉम्टे ने

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Jurisprudence

UP JUDICIAL SERVICE PRELIMINARY EXAMINATIONS 2016 Jurisprudence

136. Which one of the following is a theory of legal right?
निम्नलिखित में से कौन-सा एक विधिक अधिकार का सिद्धान्त है?
- (a) Concession theory/ रियायत सिद्धान्त
 - (b) Fiction theory / कल्पितार्म सिद्धान्त
 - (c) Interest theory/ हित सिद्धान्त
 - (d) Bracket theory/ कोष्ठक सिद्धान्त

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137. Which one of the following theories of punishment implies that a crime is 1 disease and the object should be to cure the disease?

दण्ड के निम्नलिखित सिद्धान्तों में किसके द्वारा यह आशयित है कि अपराध एक बीमारी है तथा दण्ड का लक्ष्य बीमारी का निदान करना है?

- (a) Preventive Theory/ निरोधात्मक सिद्धान्त
- (b) Deterrent Theory/ प्रतिरोधात्मक सिद्धान्त
- (c) Reformative Theory / सुधारात्मक सिद्धान्त
- (d) Retributive Theory/ प्रतिशोधात्मक सिद्धान्त

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Jurisprudence

138. Which on of the following is not a legal?

निम्नलिखित में से कौन विधिक व्यक्ति नहीं है?

(a) Shiv Idoi in Sluvalaya/ शिवालय में शिमूर्ति

(b) Mosque/ मस्जिद

(c) Guru Granth Sahib / गुरू ग्रंथ साहिब

(d) Unborn child/ अजन्मा शिशु

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Jurisprudence

139. Who and is the main propounder of declaratory theory of judicial precedent?
न्यायिक पूर्व निर्णय के घोषणात्मक सिद्धान्त का निम्न में से मुख्य प्रेणता कौन है?

- (a) Blackstone/ ब्लैकस्टोन
- (b) Gry/ ग्रे
- (c) Salmond/ सामण्ड
- (d) Dickey/ डायसी

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Jurisprudence

140. Which one of the following is a theory of legal right'?

निम्नलिखित में से कौन-सा एक विधिक अधिकार का सिद्धान्त है?

- (a) Concession theory/ रियायत सिद्धान्त
- (b) Fiction theory / कल्पितार्म सिद्धान्त
- (c) Interest theory/ हित सिद्धान्त
- (d) Bracket theory/ कोष्ठक सिद्धान्त

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Jurisprudence



141. The book of Theory of Legislation was written by:

थ्योरी ऑफ लेजिस्लेशन' पुस्तक लिखी है:

- (a) H.L.A Hart/ एच. एल. ए. हार्ट ने
- (b) W. Friedmann/ डब्लू फ्रीडमन ने
- (c) Jerciny Benthund/ रेमी बैंधम ने
- (d) Julius Stone/ जूलियस स्टीम ने

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142. "Now, natural law is not considered as absolute but as relative. It is natural law with variable contents." This observation specifically relates to

"अब प्राकृतिक विधि निरपेक्ष के रूप में नहीं समझी जाती है, अपित सापेक्ष के रूप में समझी जाती है। यह प्राकृतिक विधि परिवर्तनीय अन्तर्वस्तु के साथ ही यह विचार विशेष रूप से सम्बन्धित है :

- (a) Stammler/ स्टेमलर
- (b) Del Vicchio / डेल विशियो से
- (c) Finnis/ फिनिस से

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143. The most distinctive feature of some societies that they develop the through ldition, tuity and legislation. This memont relates to:

"कुछ समाजों/समुदायों का विशिष्ट लक्षण है कि वे विधि का विकास परिकल्पना, साम्या तथा विधावन के माध्यम में करते हैं।" यह कथन संबंधित है :

- (a) Primitive sociales/ आदिम समाज से
- (b) Static societies / स्थिति समाजों से
- (c) Progressive societies/ प्रगतिशील समाजों में
- (d) Dynamic soulettes/प्रगतिशील समाजों में

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Jurisprudence

144. Which one of the following is not essential element of a valid custom-
निम्नलिखित में से कौन एक वैध प्रथा का आधारभूत तत्व नहीं है?

- (a) Antiquity/ प्राचीनता
- (b) Continuity / निरंतरता
- (c) Uncertainty/ अनिश्चितता
- (d) Peaceful enjoyment/ शांतिपूर्ण उपयोग

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145. Interpretation is that process by which the courts seek to ascertain the meaning of law through medium of authoritative forins in which is expressed.

"This statement is of-

'निर्वचन वह प्रक्रिया है जिसके द्वारा न्यायालय, कानून का अर्थ उस अधिशक्त प्रारूप के माध्यम से निश्चित करने का प्रयास करते हैं जिसमें [वह] व्यक्त किया गया है।' यह कथन है :

(a) Maxwell / मैक्सवेल का

(b) Salmond / सामण्ड का

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Jurisprudence

146. Which one of the following jurists Emphasised that we cannot understand a thing, unless we know what it does?

निम्न में से किस विधिशास्त्री ने इस पर जोर दिया। कि "हम किसी वस्तु को तब तक नहीं समझ सकते जब तक कि हम यह न जान लें कि यह क्या करती है।

- (a) Roscoe Pound/ रास्को पाउण्ड
- (b) Salmond/ सामण्ड
- (c) Austin/ ऑस्टिन
- (d) Kelsen/ केल्सन

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Jurisprudence

147. The only right which any man can possess is the right always to do his "एकमात्र अधिकार जो मनुष्य का हो सकता है, वे सदैव अपने कर्तव्य को करने का अधिकारी है। "यह कथन है। :
- (a) Daugit/ ड्यूगिट का
 - (b) Ihering / इहरिंग का
 - (c) Gierke / गीयर्क का
 - (d) Salmond / सामण्ड का

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Jurisprudence

148. "Jurisprudence the knowledge of Things, human and divine: the science of this statement is of:

"विधिशास्त्र मानवीय एवं दैविक बीजों का ज्ञान है: न्याय व अन्याय का विज्ञान है।" यह कथन है:

- (a) Keeton/ कौटन का
- (b) Savigney/ सेविग्नी का
- (c) Ulpain/ अलिपयन का
- (d) Austin/ ऑस्टिन का

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Jurisprudence

149. Which one of the following has divided Justice in two parts distributive Justice and corrective justice?

निम्न में से किसने न्याय को दो भागों वितरणात्मक न्याय तथा सुधारात्मक न्याय में विभाजित किया है?

- (a) Dabin / डेबिन ने
- (b) Aristotle/ अरस्तु ने
- (c) Plato/ प्लेटो ने
- (d) Aquinas/ एक्विनास ने

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Jurisprudence

150. "Ownership is a plenary control over an object" This definition has been given by :
"स्वामित्व किसी पदार्थ पा सम्पूर्ण रूप से नियन्त्रण है।"
यह परिभाषा दी गई है।

- (a) Austin/ आस्टिन द्वारा
- (b) Holland / हॉलैण्ड द्वारा
- (c) Pound/ पाउण्ड द्वारा
- (d) Kelsen / केल्सन द्वारा

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82. "Persons in possession of an object have better title over it, against the whole world except the real owner" This principle has been illustrated in which one of the following cases?

"किसी वस्तु के कब्जे वाले व्यक्तियों के पास असली मालिक को छोड़कर पूरी दुनिया के खिलाफ बेहतर हक होता है।" इस सिद्धान्त को निम्नलिखित में से किस वाद में दृष्टांकित किया गया

- (a) Armory V Delamire / आरमरी बनाम डेलामायर
- (b) Bridges V Hawkeswath / ब्रिजेज् बनाम हाक्सवर्थ
- (c) R V Moor / आर बनाम मूर

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Jurisprudence

83. Which one of the following theories has been proposed by Savigny to explain legal personality?

निम्नलिखित में से कौन-सा सिद्धान्त सेविनी द्वारा विधिक व्यक्तित्व की व्याख्या करने के लिए प्रस्तावित किया गया है?

- (a) Realist Theory / यथार्थवादी सिद्धान्त
- (b) Fiction Theory / काल्पनिक सिद्धान्त
- (c) Bracket Theory / कोष्ठक सिद्धान्त
- (d) Purpose Theory / उद्देश्य सिद्धान्त

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Jurisprudence

84. Which one of the following jurists has rejected customary law as law?

निम्नलिखित में से किस विधि शास्त्री ने प्रथागत कानून को विधि मानने से अस्वीकार कर दिया है?

- (a) Austin
- (b) Kant
- (c) Keeton
- (d) Savigny

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Jurisprudence

85. Who is the author of the book "Taking Rights Seriously"?

"टेकिंग राइट्स सीरियसली पुस्तक का लेखक कौन है?"

- (a) Hart
- (b) Dworkin
- (c) Kelsen
- (d) Julius Stone

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Jurisprudence

86. "Some shared morality is essential to the existence of any society" is the assertion of
- किसी भी समाज के अस्तित्व के लिए कुछ साझी नैतिकता आवश्यक है', - यह किसका दावा है?
- (a) Fuller
 - (b) Hart
 - (c) Kelsen
 - (d) Justice Krishna Iyer

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Jurisprudence

87. Who propounded that 'Animus domini' is an essential element of possession?
किसने प्रतिपादित किया है कि, 'आधिपत्य का आशय कब्जे का एक आवश्यक तत्व है?
- (a) Savigny
 - (b) Salmond
 - (c) Pollock
 - (d) Ihering

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Jurisprudence

88. Match List - I with List - II and select the correct answer using the codes given below the lists:

सूची-I को सूची-II से सुमेलित कीजिए और सूचियों के नीचे दिए गए कूट का प्रयोग कर सही उत्तर चुनिए:

List - I		List - II	
A	Thomas Aquinas	1	Normative order
B	John Austin	2	Command Theory
C	Kelsen	3	Dictates of reasoning
D	Rawls	4	Theory of Justice

(a) 2 3 1 4

(b) 4 2 5 1

(c) 2 1 1 2

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Jurisprudence

89. Arrange the following stages of development of law according to Maine: मेन के अनुसार विधि के निम्नलिखित विकास के चरणों को क्रमबद्ध कीजिए :

- 1) Customary law / रुढ़िगत विधि
- 2) Law made by the ruler under divine inspirations / शासक द्वारा दैवी प्रेरणाओं से बनाई गई विधि
- 3) Codification / संहिताकरण
- 4) Knowledge of law in the hands of priests / पुजारियों के पास विधि का ज्ञान

Select the correct order of development using the code given below: नीचे दिए गए कूट का सही प्रयोग करते हुए विकास के सही क्रम का चयन करे:

- (a) 4-2-1 -3
- (b) 2-1-4-3
- (c) 3-1-2-4
- (d) 4-3-2-1

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Jurisprudence

90. "Justice is the first virtue of social institution is the observation of whom?
"न्याय सामाजिक संस्थाओं का प्रथम गुण है।" - यह कथन किसका है?
- (a) R Pound
 - (b) Aristotle
 - (c) John Rawls
 - (d) Mahatma Gandhi

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Jurisprudence

91. "The search for natural law will continue as long as there perceived to be injustice in the world" is the statement of:

"जब तक विश्व में अन्याय महसूस होगा नैसर्गिक विधि की खोज जारी रहेगी - यह कथन किसका है?

- (a) Hobbes
- (b) Justice Holmes
- (c) Lord Lloyd of Hampstead
- (d) Rousseau

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92. Duguit has built up his doctrine on the basis of division of labour and social cohesion. It is known as the doctrine of - :
ड्यूगिट ने अपना सिद्धान्त श्रम के विभाजन एवं सामाजिक संश्लेषण पर आधारित किया है। यह सिद्धान्त कहा जाता है: '

- (a) Grund Norm / मूल मानक का सिद्धान्त
- (b) Social Solidarity / सामाजिक समेकता का सिद्धान्त
- (c) Positivism / विद्यात्मवाद का सिद्धान्त
- (d) Social Plan Theory / सामाजिक योजना का सिद्धान्त

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Jurisprudence

93. What does the doctrine of precedent mean?

Choose the correct answer from the options mentioned below:

पूर्व निर्णय के सिद्धान्त का क्या अर्थ है?

नीचे दिए गए विकल्पों में से सही विकल्प चुनिए :

- (a) A previous case which may be taken as a rule for subsequent cases / एक पूर्व का मामला जिसे बाद के मामलों के लिए नियम के रूप में लिया जा सकता है।
- (b) A decision of a sub-ordinate court is binding on the other subordinate court / एक अधीनस्थ न्यायालय का निर्णय दूसरे अधीनस्थ न्यायालय पर बाध्यकारी है।
- (c) A decision of one High Court is binding on the other High Court / एक उच्च न्यायालय का निर्णय दूसरे उच्च न्यायालय पर बाध्यकारी है।
- (d) An authority to be followed by all courts / सभी न्यायालयों का

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Jurisprudence

94. Jurisprudence is the "Scientific Synthesis of : essential principles of law" - is the statement of the following:

“विधिशास्त्र विधि के मुलभूत सिद्धान्तों का वैज्ञानिक संश्लेषण है।” - निम्नलिखित का कथन है :

- (a) H L A Hart
- (b) Julius Stone
- (c) Friedmann
- (d) C K Allen

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Jurisprudence

95. "Law is reason free from all Passion" This statement is of the following
"विधि मनोभाव से मुक्त तर्क है।" - यह कथन निम्न का है:
- (a) Socrates
 - (b) Plato
 - (c) Roscoe Pound
 - (d) Aristotle

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Jurisprudence

96. In which case, the Supreme Court has given preference to constitutional morality over social morality?

उच्चतम न्यायालय ने किस वाद में सामाजिक नैतिकता के ऊपर संविधानिक नैतिकता को वरीयता दी है?

(a) Navtej Singh Johar V Union of India / नवतेज सिंह जोहर बनाम भारत संघ

(b) Indian Young Lawyers' Assn V Union of India / इंडियन यंग लॉयर्स असोसिएशन बनाम भारत संघ

(c) Sayara Bano V Union of India / सायरा बानो बनाम भारत संघ

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