BLOGS

Multiple Choice Questions on Jurisprudence for CLAT PG

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QUESTIONS

1. Which of the following best describes the 'Pure Theory of Law' as propounded by Hans Kelsen?

A) Law should be interpreted using moral and ethical standards
B) Law is a command backed by sanction
C) Law should be free from politics and sociology
D) Law is a hierarchy of norms, separated from morality

Correct Answer: D

Explanation: Hans Kelsen's Pure Theory of Law advocates for a normative structure where legal validity is derived from a basic norm (Grundnorm). The theory separates law from morality, politics, and other social sciences.

2. According to H.L.A. Hart, which of the following is not a type of rule in a legal system?

A) Primary Rule
B) Secondary Rule
C) Command Rule
D) Rule of Recognition

Correct Answer: C

Explanation: Hart proposed that legal systems consist of primary rules (obligations) and secondary rules (rules about rules). The term "command rule" belongs to Austin's theory, not Hart's.

3. Which school of jurisprudence is most closely associated with the idea that law evolves with society?

A) Natural Law School

B) Analytical School

C) Historical School

D) Realist School

Correct Answer: C

Explanation: The Historical School, especially promoted by Savigny, believes that law is a product of the spirit and customs of the people and develops alongside society.

4. According to John Austin, what is the nature of "sovereign"?

A) A person who always obeys moral law

B) A person or body habitually obeyed but obeys no one

C) A democratic institution elected by people

D) A religious or divine authority

Correct Answer: B

Explanation: Austin's sovereign is a person or body to whom a society habitually renders obedience, and who does not habitually obey any other authority.

5. What does 'Grundnorm' refer to in Kelsen's theory?

A) The Constitution

B) The highest court in a country

C) The basic norm from which all norms derive authority

D) A moral rule guiding judicial decisions

Correct Answer: C

Explanation: In Kelsen's Pure Theory of Law, the Grundnorm is the foundational assumption or presupposition that underpins the validity of all other norms in the legal hierarchy.

6. Which jurist is known for the concept of "Living Law"?

A) Jeremy Bentham

B) Roscoe Pound

C) Eugen Ehrlich

D) John Finnis

Correct Answer: C

Explanation: Eugen Ehrlich introduced the concept of Living Law, meaning the rules of conduct actually observed by people, even if they are not codified in legislation.

7. The "Realist School" of jurisprudence emphasizes:

A) Abstract theorizing

B) Judicial precedents only

C) Law as it is in practice, not as it ought to be

D) Religious and moral foundations of law

Correct Answer: C

Explanation: Legal Realism focuses on the actual working of law, especially how judges decide cases, emphasizing the social, psychological, and political factors affecting judgments.

8. Who among the following is a prominent Natural Law theorist?

A) Hans Kelsen

B) John Austin

C) Thomas Aquinas

D) H.L.A. Hart

Correct Answer: C

Explanation: Thomas Aquinas is a classical Natural Law theorist who believed that human laws must align with divine and moral laws to be valid.

9. Which theory emphasizes utility or the greatest happiness principle in law?

A) Natural Law Theory

B) Positivist Theory

C) Utilitarianism

D) Sociological Theory

Correct Answer: C

Explanation: Utilitarianism, as formulated by Bentham and Mill, promotes laws that maximize happiness and minimize pain for the greatest number of people.

10. According to H.L.A. Hart, the rule of recognition serves to:

A) Determine the validity of laws

B) Grant moral legitimacy to laws

C) Provide punishments for crimes

D) Interpret constitutional provisions

Correct Answer: A

Explanation: The rule of recognition is a secondary rule in Hart's theory, which allows individuals within a legal system to identify what norms are valid laws.

Read More: Natural School of Jurisprudence