

LL.B (3-Year) Entrance (TU) — 50 MCQs

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Weighted like the real paper (jurisprudence 50 / constitutional 30 / codes 20); includes the official model question paper

SECTION A — QUESTIONS (practise at 1 minute per question, like the real exam)

Q1. Who said “law is the command of the sovereign”?

- (a) John Austin
- (b) Karl von Savigny
- (c) Oliver Wendell Holmes
- (d) Roscoe Pound

Q2. Which school of jurisprudence treats law as a tool of “social engineering”?

- (a) Natural-law school
- (b) Sociological jurisprudence (Roscoe Pound)
- (c) Analytical school
- (d) Historical school

Q3. The book ‘The Concept of Law’ (1961) was written by:

- (a) John Rawls
- (b) H.L.A. Hart
- (c) Hans Kelsen
- (d) Jeremy Bentham

Q4. “The life of the law has not been logic: it has been experience” — who said this?

- (a) Oliver Wendell Holmes
- (b) John Salmond
- (c) Savigny
- (d) A.V. Dicey

Q5. Which of the following is/are recognised source(s) of law?

- (a) Judicial precedent
- (b) Legislation
- (c) Custom
- (d) All of the above

Q6. In Hohfeld’s analysis, the jural correlative of a ‘duty’ is:

- (a) an immunity
- (b) a power
- (c) a right (claim)
- (d) a privilege

Q7. A ‘juristic person’ in law means:

- (a) only the State
- (b) only a living human being
- (c) an entity (company, university, idol) treated as a person for legal purposes
- (d) only a citizen of Nepal

Q8. The ‘Pure Theory of Law’ was developed by:

- (a) Roscoe Pound
- (b) Savigny
- (c) Rousseau
- (d) Hans Kelsen

Q9. Natural-law theory is most associated with:

- (a) Thomas Aquinas
- (b) John Austin
- (c) Oliver Wendell Holmes
- (d) Hans Kelsen

Q10. The concept of the 'general will' was given by:

- (a) Montesquieu
- (b) Jean-Jacques Rousseau
- (c) Thomas Hobbes
- (d) John Locke

Q11. Which of the following is NOT a school of jurisprudence?

- (a) Historical school
- (b) Sociological school
- (c) Arithmetical school
- (d) Analytical school

Q12. 'Ratio decidendi' means:

- (a) the facts of the case
- (b) the binding reasoning/principle of a judgment
- (c) a passing remark of the judge
- (d) the dissenting note

Q13. 'Obiter dicta' are:

- (a) remarks of a judge that are not binding
- (b) a statute passed by Parliament
- (c) an immemorial custom
- (d) the binding core of a judgment

Q14. Codification means:

- (a) repealing all existing laws
- (b) judge-made law
- (c) reducing law into a systematic written code through legislation
- (d) unwritten local custom

Q15. In Marxist theory, law is seen as:

- (a) the divine will
- (b) the spirit of the people (Volksgeist)
- (c) pure reason
- (d) a reflection of the interests of the ruling class

Q16. Custom becomes binding law when it is:

- (a) approved by a political party
- (b) published in the Nepal Gazette
- (c) recognised and enforced by the state/courts
- (d) followed for at least one year

Q17. The book 'Ancient Law' (1861) was written by:

- (a) Sir Henry Maine
- (b) John Austin
- (c) Savigny
- (d) Jeremy Bentham

Q18. 'Equity' in law means:

- (a) royal pardon
- (b) a criminal code
- (c) fairness that softens the rigidity of strict law
- (d) a type of statute

Q19. Law made by judges through their decisions is called:

- (a) legislation
- (b) custom
- (c) convention
- (d) case law (precedent)

Q20. The branch of jurisprudence that studies law 'as it is' (not 'as it ought to be') is:

- (a) natural law
- (b) analytical (positivist) jurisprudence
- (c) ethical jurisprudence
- (d) legislative jurisprudence

Q21. The Constitution of Nepal (2072) was promulgated on:

- (a) 2072/6/3 BS (20 Sept 2015)
- (b) 2071/6/3 BS
- (c) 2073/6/3 BS
- (d) 2072/1/1 BS

Q22. How many fundamental rights are enumerated in Part 3 of the Constitution of Nepal (2072)?

- (a) 31
- (b) 29
- (c) 25
- (d) 35

Q23. The right to equality is guaranteed by which article of the Constitution of Nepal?

- (a) Article 18
- (b) Article 42
- (c) Article 25
- (d) Article 16

Q24. The writ jurisdiction of the Supreme Court (habeas corpus, mandamus, etc.) is provided in:

- (a) Article 133
- (b) Article 88
- (c) Article 107
- (d) Article 144

Q25. How many High Courts are there in Nepal at present?

- (a) 12
- (b) 5
- (c) 7
- (d) 9

Q26. The Attorney General of Nepal is appointed by:

- (a) the Judicial Council
- (b) the Chief Justice
- (c) the Parliament by election
- (d) the President (on recommendation of the Prime Minister)

Q27. The Constitution of Nepal (2072) is best described as:

- (a) wholly unwritten
- (b) written and partly rigid (special amendment procedure)
- (c) a collection of conventions only
- (d) wholly flexible like the UK constitution

Q28. The Directive Principles and Policies of the State are contained in:

- (a) Article 18
- (b) Article 288
- (c) Article 133

(d) Article 51

Q29. The head of state of Nepal is:

- (a) the Chief Justice
- (b) the President
- (c) the Prime Minister
- (d) the Speaker

Q30. Matters not listed in any schedule of the Constitution (residual powers) vest in:

- (a) the local levels
- (b) the Provinces
- (c) the judiciary
- (d) the Federation

Q31. How many schedules does the Constitution of Nepal (2072) have?

- (a) 11
- (b) 9
- (c) 12
- (d) 7

Q32. Under Article 75, the executive power of Nepal vests in:

- (a) the Chief Justice
- (b) the Parliament
- (c) the Council of Ministers
- (d) the President personally

Q33. The four Muluki Codes of 2074 (Civil, Civil Procedure, Criminal, Criminal Procedure) came into force on:

- (a) 1 Magh 2073 BS
- (b) 1 Ashadh 2076 BS
- (c) 1 Shrawan 2074 BS
- (d) 1 Bhadra 2075 BS

Q34. Under the Muluki Civil Code 2074, a person attains majority at the age of:

- (a) 21 years
- (b) 16 years
- (c) 20 years
- (d) 18 years

Q35. The minimum age for marriage under the Muluki Civil Code 2074 is:

- (a) 25 years
- (b) 18 years
- (c) 22 years
- (d) 20 years

Q36. Marriage, adoption, partition and succession in Nepal are governed by:

- (a) the Constitution directly
- (b) the Muluki Civil Code, 2074
- (c) the Criminal Procedure Code, 2074
- (d) the Muluki Criminal Code, 2074

Q37. The offence of murder is defined and punished under:

- (a) the Civil Procedure Code, 2074
- (b) the Muluki Civil Code, 2074
- (c) the Evidence Act, 2031
- (d) the Muluki Criminal Code (National Criminal Code), 2074

Q38. An appeal against a district-court judgment in a civil case must generally be filed in the High Court within:

- (a) 7 days
- (b) 15 days
- (c) 35 days
- (d) 70 days

Q39. Provisions on arrest of a suspect and bail are mainly found in:

- (a) the Civil Procedure Code, 2074
- (b) the Muluki Criminal Procedure Code (National Criminal Procedure Code), 2074
- (c) the Muluki Civil Code, 2074
- (d) the Evidence Act, 2031

Q40. Which of the following is NOT one of the four Muluki Codes of 2074?

- (a) Muluki Evidence Code
- (b) Muluki Civil Code
- (c) Muluki Civil Procedure Code
- (d) Muluki Criminal Code

Q41. Who is known as the founding father of modern legal positivism?

- (a) Bentham
- (b) H.L.A. Hart
- (c) Hans Kelsen
- (d) Joseph Raz

Q42. Who expounded the idea of "Justice as fairness"?

- (a) Aristotle
- (b) John Rawls
- (c) Ronald Dworkin
- (d) Ronald Coase

Q43. According to Marxists, after the establishment of a Communist society, the law and state will be:

- (a) transformed
- (b) strengthened
- (c) withered away
- (d) destroyed

Q44. Ignorance of law is:

- (a) Excuse
- (b) No excuse
- (c) Acceptable
- (d) None of the above

Q45. Who is the founder of the historical school?

- (a) Karl Von Savigny
- (b) Plato
- (c) Sir Henry Maine
- (d) Aristotle

Q46. Which is the first written constitution?

- (a) The constitution of Switzerland
- (b) The constitution of United States of America
- (c) The constitution of France
- (d) The constitution of Australia

Q47. Which one is not a fundamental right?

- (a) Right to live with dignity

- (b) Right to Equality
- (c) Right to communication
- (d) Right to vote

Q48. As per the constitution of Nepal (2072) the number of judges of the Supreme Court excluding the Chief Justice is:

- (a) 25
- (b) 21
- (c) 20
- (d) 15

Q49. The age difference between the adopter and the adoptee shall be at least ... years.

- (a) 10
- (b) 15
- (c) 25
- (d) 35

Q50. "Grave offence" means any offence punishable by imprisonment for a term of ... years.

- (a) More than three and less than ten
- (b) More than five and less than ten
- (c) More than five and less than twelve
- (d) More than ten and less than twenty-five

SECTION B — ANSWER KEY

1	2	3	4	5	6	7	8	9	10
(a)	(b)	(b)	(a)	(c)	(c)	(c)	(d)	(a)	(b)
11	12	13	14	15	16	17	18	19	20
(c)	(b)	(a)	(c)	(d)	(c)	(a)	(c)	(d)	(b)
21	22	23	24	25	26	27	28	29	30
(a)	(a)	(a)	(a)	(c)	(d)	(b)	(d)	(b)	(d)
31	32	33	34	35	36	37	38	39	40
(b)	(c)	(d)	(d)	(d)	(b)	(d)	(c)	(b)	(a)
41	42	43	44	45	46	47	48	49	50
(b)	(b)	(c)	(b)	(a)	(b)	(d)	(c)	(c)	(b)

SECTION C — ANSWERS WITH EXPLANATIONS

Q1. Answer (a) John Austin — Austin (analytical/positivist school): law = command of the sovereign backed by sanction.

Q2. Answer (b) Sociological jurisprudence (Roscoe Pound) — Pound's idea: law balances competing social interests — social engineering.

Q3. Answer (b) H.L.A. Hart — Hart — the landmark of modern (post-war) legal positivism: primary + secondary rules.

Q4. Answer (a) Oliver Wendell Holmes — Holmes, 'The Common Law' — the seed of American legal realism.

Q5. Answer (c) Custom — The three classic sources: custom, precedent (case law) and legislation (statute).

Q6. Answer (c) a right (claim) — Hohfeld's pairs: right–duty, privilege–no-right, power–liability, immunity–disability.

Q7. Answer (c) an entity (company, university, idol) treated as a person for legal purposes — Legal personality is fictitious/created by law: companies, trusts, institutions — unlike natural persons.

Q8. Answer (d) Hans Kelsen — Kelsen's pure theory: law as a hierarchy of norms (Grundnorm at the top), free of morality/politics.

Q9. Answer (a) Thomas Aquinas — Aquinas (and earlier Aristotle, later Fuller/Finnis): law must conform to a higher moral order.

Q10. Answer (b) Jean-Jacques Rousseau — Rousseau's 'Social Contract': law expresses the general will of the community.

Q11. Answer (c) Arithmetical school — The classic schools: analytical/positivist, natural, historical, sociological, realist — there is no 'arithmetical' school.

Q12. Answer (b) the binding reasoning/principle of a judgment — Ratio = the reason for the decision, the binding part of a precedent.

Q13. Answer (a) remarks of a judge that are not binding — Obiter = "said by the way"; persuasive at most, never binding.

Q14. Answer (c) reducing law into a systematic written code through legislation — Codification = collecting and restating the law in a systematic statute (e.g. the Muluki Codes of 2074).

Q15. Answer (d) a reflection of the interests of the ruling class — Marxism: law and state serve the ruling class; both 'wither away' under full communism.

Q16. Answer (c) recognised and enforced by the state/courts — Custom binds only after state recognition (court enforcement or statutory adoption) — plus immemorial, continuous, certain, reasonable.

Q17. Answer (a) Sir Henry Maine — Maine — famous for "status → contract" as the movement of progressive societies.

Q18. Answer (c) fairness that softens the rigidity of strict law — Equity supplements and corrects the general law where its rigid application would cause injustice.

Q19. Answer (d) case law (precedent) — Case law / judge-made law = the doctrine of precedent (stare decisis).

Q20. Answer (b) analytical (positivist) jurisprudence — Positivism describes law as it is; natural law asks what law ought to be.

Q21. Answer (a) 2072/6/3 BS (20 Sept 2015) — Promulgated on 3 Ashwin 2072 (20 September 2015) by President Ram Baran Yadav.

Q22. Answer (a) 31 — Part 3 (Arts 16–46) enumerates 31 fundamental rights, from dignity to constitutional remedy.

Q23. Answer (a) Article 18 — Art 16 = dignity, Art 18 = equality, Art 25 = property (etc.). Drill these numbers.

Q24. Answer (a) Article 133 — Art 133 = Supreme Court writs; Art 144 = High Courts. (107/88 were the 1990/2063 provisions.)

Q25. Answer (c) 7 — Seven High Courts: Biratnagar, Janakpur, Patan, Pokhara, Butwal, Dhangadhi and Birendranagar (Surkhet).

Q26. Answer (d) the President (on recommendation of the Prime Minister) — Art 157: the President appoints the AG on the PM's recommendation; the AG is the government's chief legal advisor.

Q27. Answer (b) written and partly rigid (special amendment procedure) — Nepal's constitution is a single written document; amendment needs special majorities — partly rigid.

Q28. Answer (d) Article 51 — Art 51 lists the directive principles; they guide lawmaking but are not enforceable in court.

Q29. Answer (b) the President — The President is head of state; the PM heads the executive (Council of Ministers).

Q30. Answer (d) the Federation — Unlike India (residual to the Union by art 248 logic) Nepal's Constitution also keeps unlisted matters with the Federation.

Q31. Answer (b) 9 — Nine schedules: powers of federal/provincial/local levels, oaths, emblems, etc.

Q32. Answer (c) the Council of Ministers — Art 75(1): executive power vests in the Council of Ministers per the Constitution and law.

Q33. Answer (d) 1 Bhadra 2075 BS — Enacted 2074, in force from 1 Bhadra 2075 — replacing the Muluki Ain of 2020.

Q34. Answer (d) 18 years — Civil Code 2074: majority = 18 years completed.

Q35. Answer (d) 20 years — Civil Code sets 20 years for marriage (earlier marriage is voidable/offence).

Q36. Answer (b) the Muluki Civil Code, 2074 — Family/property matters = Civil Code 2074 (the 'personal law' block of the entrance).

Q37. Answer (d) the Muluki Criminal Code (National Criminal Code), 2074 — Offences and punishments = National Criminal Code 2074.

Q38. Answer (c) 35 days — Civil Procedure Code 2074: 35 days from the judgment for a first appeal.

Q39. Answer (b) the Muluki Criminal Procedure Code (National Criminal Procedure Code), 2074 — Investigation, arrest, bail, trial procedure = Criminal Procedure Code 2074.

Q40. Answer (a) Muluki Evidence Code — Evidence is still governed by the separate Evidence Act, 2031 — there is no 'Muluki Evidence Code'.

Q41. Answer (b) H.L.A. Hart — Bentham/Austin = classical positivism; Hart's 'The Concept of Law' rebuilt it — hence 'modern' positivism = Hart. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

Q42. Answer (b) John Rawls — Rawls, 'A Theory of Justice' (1971): justice as fairness behind the veil of ignorance. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

Q43. Answer (c) withered away — Engels/Marx: the state (and its law) 'wither away' once classes disappear. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

Q44. Answer (b) No excuse — Maxim: ignorantia juris non excusat — ignorance of law excuses no one. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

Q45. Answer (a) Karl Von Savigny — Savigny founded the historical school (law = Volksgeist); Maine came later with comparative-historical method. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

Q46. Answer (b) The constitution of United States of America — The US Constitution of 1787 — the first written (codified) national constitution. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

Q47. Answer (d) Right to vote — Dignity (Art 16), equality (Art 18) and communication (Art 19) are in Part 3; the right to vote is a constitutional/statutory right, not a listed fundamental right. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

Q48. Answer (c) 20 — Art 131: besides the Chief Justice, not more than twenty judges — i.e. 20 excluding the CJ. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

Q49. Answer (c) 25 — Muluki Civil Code 2074: the adopter must be at least 25 years older than the adoptee. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

Q50. Answer (b) More than five and less than ten — National Criminal Code 2074: grave (gambhira) = more than 5 up to 10 years; heinous (jaghanya) = more than 10 years. (*Official model question — key by Law Info Nepal; the Faculty publishes no key.*)

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