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23(1) LLM 1-4

2011

**THEORY OF LEGISLATION**

Paper : 1-4

Full Marks : 80

Pass Marks : 32

Time : Three hours

*The figures in the margin indicate full marks for the questions.*

- 1 Explain the term "Legisprudence".  
Examine its applicability in different fields.  
Discuss the position of a "draftsman" in this respect. 16

Or

State the different kinds of pleasures and pains as envisaged in Bentham's Principle of Utility.  
Discuss objectively assessable criteria. 16

Contd.

2. Do you agree that goodness of laws depends upon their conformity to general expectations? How do you justify the relationship between law and expectations? Illustrate with examples. 16

Or

State the main principles and the objectives of civil code. Discuss how far it has attained success. 16

3. What are the different rules of proportion between punishments and offences? Write a comprehensive note justifying different types of punishments. 16

Or

State the different types of indirect measures for prevention of offences. How does it differ from direct measures? Explain. 16

4. Write a critical note on the intrinsic nexus between public opinion and legislation. State some specific instances, where public opinion moulds the law making opinion. 16

(10)  
Or  
What is plebiscite? Does it differ from General Election? Do you suggest for plebiscite to settle any dispute of the present day? Give your own view. 16

5. Critically assess the function of Judicial legislation in India. Give certain specific instances, stating Constitutional provisions. 16

Or

Describe the advantages of codification. State the views of the Law Commission of India in this respect. 16