

2013

THEORY OF LEGISLATION

Paper : 1004

Full Marks : 50

Time : 3 hours

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

1. Attempt a critique on the principle of utilitarianism. Do you feel the principle to be of positive effect in enacting laws in modern times?

16

Or

What do you mean by legisprudence? Reflecting on it, attempt an exhaustive note on the evolution of the principles of legislation.

2. Explain legislation as a tool of social change in relation to religion, morality and tradition with special reference to Uniform Civil Code as provided in Article 44 of the Constitution of India.

16

Or

Examine critically the concept of rights and obligations attached to several private corporations.

- 3. "Indirect means are those which, without having the character of punishments act upon man physically or morally, to dispose him, to obey the laws, to govern him by his inclinations and his knowledge." In the light of the statement, provide an explanation as to why indirect means are considered more appropriate for preventing offences. 16

Or

What do you mean by the Principle of the Penal Code? Explain the various political remedies against the evil of offences.

- 4. Election is a formal decision-making process by which a population chooses an individual to hold public office. In the light of this statement, discuss the functions and powers of the Election Commission of India. 16

Or

Discuss the concept of public opinion. How does it influence the law-making authority in the State? State certain instances in India.

- 5. "Judges do not create law but declare or interpret it." Elucidate the statement in the light of Bentham's debate on judge-made law versus statute law. 16

Or

What do you mean by Codification and Consolidating Acts? Discuss the merits and demerits of codification.
