

Total number of printed pages—4

14 (LLM 1) 1004

2014

THEORY OF LEGISLATION

Paper : 1004

Full Marks : 80

Pass Marks : 32

Time : Three hours

The questions are of equal value

1. "The public good ought to be the object of the legislator ; GENERAL UTILITY ought to be the foundation of his reasoning."

What is the GENERAL UTILITY as mentioned in the above statement ? How the principle of utility is operated on the basis of pleasure and pain theory ? Point out the merits and demerits of utilitarianism in view of law-making in present century.

Contd.

Point

OR

Write short notes on *any two*

- (a) Legisprudence
- (b) Legislation as a tool a social change
- (c) Principle of collectivism
- (d) Distinction between law and morality

2. "Rights and obligations, though distinct and opposite in their nature, we simultaneous in their origin, and inseparable in their existence." —
Elucidate the above statement as explained by Bentham with suitable illustrations. What are the ends of civil law and how they are related to each other?

OR

Give a brief concept of 'property' and what are the evils that result from attack upon property? What is 'security' as regards property? How property should be distributed according to Jeremy Bentham?

3. Explain the general justifications that are applied to nearly all offences? Discuss briefly the indirect means of preventing offences and suppressive remedies for chronic offences.

OR

According to Bentham, what type of punishments ought not to be inflicted? What are the principal rules of maintaining the proportion between offences and punishment? How Bentham justified the variety of punishments?

4. "My aim in these lectures is to exhibit the close dependance of legislation, and even of the absence of legislation, in England during the nineteenth century upon the varying currents of public opinion" — Explain in view of the above statement, what was the status and importance of public opinion in the nineteenth century England in Law-making followed by the exceptions to the general perception that Legislation is the result only of public opinion.

OR

Explain (*any two* of the following) :

- (a) India's first 'green referendum'
- (b) Plebiscite
- (c) Public opinion on Lok Sabha Elections (2014) in India
- (d) Characteristics of Law making in nineteenth century England.

5. Whether judges are the makers or discoverers of law? Explain on the basis of various decisions of the courts in varied situations. Give a comparative analysis of the judge-made law and the statutory law which one is more powerful in rendering justice according to you.

OR

Give a brief history of establishment of the law commission of India. How far the recommendations of the law commissions are successful in bringing reforms in India till now? Discuss with the help of leading cases.