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14 (LLM-1) 1-4

2016

**THEORY OF LEGISLATION**

Paper : 1004

Full Marks : 80

Time : Three hours

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

1. "Nature has placed man under the empire of pleasure and pains" — What do you mean by the doctrine of pleasure and pain?

Explain classification of various kinds of pleasure and pains. How far the principle of utility is operated on the basis of pleasure and pain theory? Discuss. 16

Contd.

OR

Define the term Ascetic Principle. What do you mean by principle of sympathy and antipathy? Whether utility is actually the sole ground of all the approbation? Justify.

16

2. "Liberty consists in the right of doing everything which is not injurious to another". — Define what according to you is liberty. Is it proper to take away liberty from lunatics and bad men — because they abuse it? Justify with logic.

16

OR

Define the term property. Critically examine the methods of distribution of property. Is there any rule prescribed by Bentham pertaining to distribution of property in respect of women? Discuss with reasons.

16

3. What do you mean by an offence? Discuss briefly the general classification of offences. What are the remedies mentioned by Bentham to prevent offences or redress? Explain.

16

OR

"According to Bentham punishment in itself is evil" — Elucidate the statement by mentioning different kinds of punishments with their justifications. Write down on the necessity of a proportion between offences and punishments.

16

4. "With the emphasis placed on democratic values in contemporary society, much attention has been paid to the role of public opinion in the formation of public policy generally and criminal justice policy specifically." Elaborate the above statement by mentioning the relationship between public opinion, crime and criminal justice.

16

OR

Write notes on **any two** of the following :

8+8

- (a) Public Opinion on election  
(b) Referendum  
(c) Relationship between public opinion and legal reforms.

5. Define the term Codification. How does codification differ from consolidating Acts? Discuss critically merits and demerits of codification. 16

OR

Discuss in brief what is meant by judge-made law and how it is different from the statutory law. What are the limitations of judicial legislation or judge-made law?

Highlight your answer by citing some practical examples. 16