2017

THEORY OF LEGISLATION

Paper : 1004

Full Marks : 80

Time : Three hours

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

1. Discuss the value of pleasure and pains. Explain the circumstances which affect the sensibility.   16

Or

Write notes on : *(any two)*

(1) Legisprudence

(2) Doctrine of utility

(3) Arbitrary Principle

(4) Ascetic Principle.   8+8

2. Give a brief concept of property? Mention different kinds of methods of distribution of property. How according to Bentham property should be distributed by way of succession? Discuss.   16

Or

What do you mean by Liberty? Is Liberty to do evil, Liberty? Explain various propositions laid down by Jeremy Bentham in regards to Liberty.   16

3. What is meant by an offence? Explain different kinds of offences as mentioned by J. Bentham. Discuss the general justifications that are applied to nearly all offences?   16

Or

Mention different kinds of punishments. What are the principal rules of maintaining the proportion between offences and punishment? Give your own assessment. How Bentham has justified the variety of punishments?   16

4. What is public opinion? Mention different types of public opinion. Explain in brief what was the status and importance of public opinion in the nineteenth century England in Law making and also write comparison betweeen public opinion in India in legal reform.   16

Or

Explain *any two*:

(i)   Opinion polls

(ii)   Election

(iii) Plebiscite

(iv)   Difference between General opinion and Legislative opinion.   16

5. Whether judges are the makers or interpreters of Law? Explain on the basis of various decision of the courts to support your answer. Give a comparative analysis of the judge-made law and the statutory law.   16

Or

Give a brief history of composition and establishment of the Law Commision of India. Mention few important functions of Law Commission of India. Highlight role of Law Commision in legal reforms in India. Discuss with the help of leading cases.

16