

Total number of printed pages—4

14 (LLM-1) 1004

2018

THEORY OF LEGISLATION

Paper : 1004

Full Marks : 80

Time : Three hours

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

1. "According to utilitarianism, the just society should be so organised in its institutions — its government, its laws and its economy that as many people as possible shall have the means and opportunity to achieve their chosen conception of a desirable life. To reform the Institutions of one's society toward this goal, in the utilitarian view, is to pursue greater justice." — Do you agree and state reasons? 16

Contd.

OR

2. "Create all the happiness you are able to create; remove all the misery you are able to remove. Every day will allow you, — will invite you to add something to the pleasure of others, — or to diminish something of their pains." State the different kinds of pleasures and pains as envisaged in Bentham's principle of utility. What are the measures of pleasures and pains? 16

3. "In the distribution of rights and obligations, the legislator should have for his end the happiness of society." — What are the objects of civil law? What are the ends of civil law and explain how these ends are related to each other? 4+4+8

OR

4. "Property is surely a right of mankind as real as liberty" — Give the brief concept of property. Explain how property is distributed by succession. Support your answer with the help of suitable examples. 4+8+4

5. "All punishment is inflexible; all punishment in itself is evil." — In the light of above statement, discuss the punishments which ought not to be inflicted. What are the rules regarding the proportion between offences and punishments? What are the kinds of punishments explained by Bentham? 4+4+8

OR

6. What is the most general classification of offences given by Bentham? Discuss the grounds of justification applicable to all offences. Mention the political remedies against the evil of offences. 5+5+6

7. Write short notes on any two of the following : 8+8

(i) Referendum

(ii) Plebiscite

(iii) Election

(iv) Opinion polls.

OR

8. Discuss the concept and significance of public opinion. Examine the role of public opinion in the democratic system of India, highlighting the current situation in Assam.

6+10

9. What do you mean by Codification? What are the merits and demerits of codification? Write the distinction between Codification and Consolidating Acts.

4+8+4

OR

10. How the Law Commission of India was established? Explain to what extent the recommendations of the Law Commission have helped in bringing reforms in the present society. Discuss with the help of suitable instances.

4+8+4