

LAW
(Paper I)

Time Allowed : Three Hours

Maximum Marks : 300

QUESTION PAPER SPECIFIC INSTRUCTIONS

(Please read each of the following instructions carefully before attempting questions)

There are EIGHT questions divided in two Sections.

Candidate has to attempt FIVE questions in all.

Question Nos. 1 and 5 are compulsory and out of the remaining, any THREE are to be attempted choosing at least ONE question from each Section.

The number of marks carried by a question/part is indicated against it.

Wherever any assumptions are made for answering a question, they must be clearly indicated.

Word limit in questions, wherever specified, should be adhered to.

SECTION 'A'

1. Answer any three of the following (each answer should be in about 200 words):
 - (a) What fundamental right, if any, of a person is violated if the State acts in pursuance of either Article 15(4) or 16(4) of the Constitution of India? 20
 - (b) "The doctrine of pith and substance introduces a great degree of flexibility into the otherwise rigid scheme of distribution of legislative powers in the Indian Constitution." Elucidate. 20
 - (c) Discuss the relationship between Article 29 and Article 30 of the Constitution. 20
 - (d) "There is no abdication, surrender of legislative function so long as the legislature has expressed its will on a particular subject matter, indicated its policy and left effectuation of policy to subordinate agency." Discuss. 20
2.
 - (a) In order to make the best use of the limited resources in the country and to meet certain demands of the journalists and other workers in the newspaper industry; the government plans to enact a law which (i) fixes the minimum wages for all the journalists and workers, (ii) declares Sunday and all other national holidays as compulsory holidays for the newspaper industry; (iii) requires the newspapers to allocate certain percentage of news space to pressing socio-economic issues facing the country; and (iv) prohibits certain kinds of advertisements, particularly those which make indecent depiction of women. Your advice is sought by the government on the constitutionality of such legislation vis-a-vis Article 19(1)(a). Give your advice with reference to decided cases. 30
 - (b) Except in cases where the requirement has been dispensed with expressly or by necessary implication an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decisions. Examine and discuss whether administrative authority must record reasons for its decision when performing administrative function. 30
3.
 - (a) Critically examine the statement that though Maneka Gandhi V. Union of India has made a great advancement towards the understanding and application of the Fundamental Rights in our Constitution it has not been able to make much difference either to the preventive detentions or towards ensuring the due process of law. 30
 - (b) In order to cure the heavy under-representation of the Schedules Castes and the Schedules Tribes in the State services even after fifty years of the Constitution, a State wants to make a scheme, which may remove this imbalance within a period of five years. Advise the State about the steps that it may take under the Constitution for this purpose. 30

4. (a) “The recent judicial pronouncement on the question of the appointment of the judges of the Supreme Court and the High Courts is dominated by the emphasis on integrated participatory consultative process for selecting the best and most suitable persons available for the appointment.” Elucidate the above statement highlighting the norms laid down by the Supreme Court for appointment of the judges of the Supreme Court and the High Courts and for transfer of the judges of the High Courts. **30**
- (b) Discuss the nature and the scope of the following writs: (i) Certiorari (ii) Mandamus **30**

SECTION 'B'

5. Answer any three of the following (each answer should be in about 200 words):
- (a) “International law has progressed by leaps and bounds; yet the theoretical controversy about the nature of international law is far from over.” Comment. **20**
- (b) Do you agree with the view that voting procedure stated in Article 27 of the UN Charter has destroyed the efficiency of the Security Council? Discuss. **20**
- (c) Highlight the significance of “judicial decisions” as a source of international law. **20**
- (d) Discuss the extent and scope of the doctrine of “forum prorogatum”. **20**
6. (a) “The relationship between international law and municipal law has posed a difficult problem to municipal courts, namely to what extent may such courts give effect within the municipal sphere to rules of international law.” Clearly examine the criterion which has been adopted by municipal courts to resolve this issue. **30**
- (b) Assume that as part of continuing bilateral treaty making with its neighbours, India agrees to cede certain parts of its territory to Pakistan and to lease certain parts to Bangladesh. How should these agreements be ratified to be binding under international law? **30**
7. (a) Discuss the position of an individual under the European Convention on Human Rights. In what way has the position of an individual been further improved by the convention? Examine in the light of lawless case. **30**
- (b) A private Korean ship delivered some narcotics and philanthropic drugs to an Indian national near Madras, well within the territorial waters of India. The Indian coastguards came to know about it and chased the Korean ship which started moving in full speed towards Colombo. Before it could be captured by the Indian coastguards, the ship entered the Sri Lankan territorial waters. Indian guards entered the Sri Lankan waters, captured the Korean ship and brought it to India. The Sri Lankan Government protested. Discuss the legal position of India under international law in relation to the right of hot pursuit. **30**
8. Write explanatory notes on the following:
- (a) Recognition of a State and Recognition of a government **20**
- (b) Anglo-Norwegian Fisheries case and the Straight base-line method. **20**
- (c) Exclusive Economic Zone (EEZ) and Contiguous Zone. **20**