

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 about two hundred words):
20×3=60
- (a) 'Rule of Law' does not mean rule according to statutory law, pure and simple, because such a law may itself be harsh, inequitable, discriminatory or unjust. 'Rule of Law' connotes some higher kind of law which is reasonable, just and non-discriminatory. Explain.
- (b) "With a view to enabling Parliament to act and discharge its high functions effectively, without any interference or obstruction from any quarter, without fear or favour certain privileges and immunities are attached to each House collectively, and to the Member thereof individually." Critically examine the statement.
- (c) Examine the scope of the 'Special Leave Jurisdiction' of the Supreme Court as expounded by the Supreme Court of India.
- (d) Explain and elucidate the significance of the various strategies adopted for the implementation of the 'Directive Principles' of State Policy enshrined in Part - IV of the Indian Constitution.
2. (a) The framers of the Constitution felt that, in an emergency, the centre should have overriding powers to control and direct all aspects of administration and legislation throughout the country. Elucidate. **30**
- (b) 'Judicial review is one of the basic features of the Constitution.' Do you agree with the view? Cite relevant case laws. **30**
3. (a) "The legislature cannot delegate its powers to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law intends to make its own action depend." Critically comment on the above statement and discuss with the aid of relevant legal provisions and case laws. **30**
- (b) "Equality is the basic feature of the Constitution of India and any treatment of equals unequally or unequals as equals will be violation of basic structure of the Constitution of India." Explain. **30**
4. Write short notes on the following:
20×3=60
- (a) The distinction between 'Executive Power' of the President and his 'Constitutional Power'.
- (b) Rights of the Press and the problem of Pre-censorship.

- (c) The scope of the constitutional harmony and balance between 'Fundamental Rights' and 'Directive Principles' of State Policy.

SECTION 'B'

5. Answer any THREE of the following (Each answer should be about two hundred words):

20×3=60

- (a) "It is difficult to maintain the distinction between formal and material sources taking into account that material sources consist simply of quasi constitutional principles of inevitable but unhelpful generality. What matters is the variety of material sources, the all-important evidence of the existence of consensus among States concerning particular rules of practice." Critically examine the various sources of International Law in the development of Modern International Law, with the help of relevant case law.
- (b) "India is neither a signatory to the 1951 Convention nor to the 1967 Protocol relating to the status of refugees and is already a signatory to other Universal Human Rights instruments. The Indian courts have taken the lead by resorting to judicial activism in protection of refugees with the aid of International Instruments, constitutional and various legislative provisions." Discuss.
- (c) Explain the concept and characteristics of 'Third World Countries'. Critically examine the demands and the achievements of 'Third World Countries' in shaping New International Economic Order.
- (d) Do you find any distinction between the State Liability and State Responsibility under International Law? Critically examine the general principles of State Responsibility in International Law.

6. (a) "International Organisations are very important to International Trade Law." Examine the role of relevant International Organisations involved in the development of International Trade Law. **30**

- (b) Explain the need, objectives and outcome of the Bretton Woods Conference of 1944. Discuss the similarities and distinctions between the International Monetary Fund (IMF) and the 'International Bank for Reconstruction and Development (IBRD).' Critically examine the role of IMF and IBRD initiatives in the liberalisation, privatisation and globalisation of economies, while focussing on the problems of the developing countries. **30**

7. (a) "It is evident that general International Law does not prohibit intervention under all circumstances, forcible interference in the sphere of interest of another State is permitted as reaction against violation of International Law." Critically examine the statement. **30**

- (b) "The general principles and prescriptions of International Law are not without applicability to problems of transnational pollution - an environmental degradation. Thus fundamental principle of international limits action by one State which would cause injury in the territory of another state." "There has been general recognition of the Rule that a State must not permit the use of its territory for purposes injurious to the interest of another State." Explain. **30**

8. Write notes on the following:

20×3=60

- (a) Globalisation and Human Rights.
- (b) India's accession to the WTO: Pros and Cons.
- (c) Laws relating to Territorial Waters, Continental Shelf and High Seas.