

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): **20×3=60**
- (a) Differentiate between 'Federal Constitution' and 'Federal Government'. Based on judicial pronouncements and your perception of the working of our Constitution, comment on whether India has a Federal Government or a Federal Constitution.
- (b) "There is still a controversy whether 'Reasoned Decisions' comprise a third pillar of natural justice." Do you agree with this statement? Discuss with reference to recent case laws.
- (c) Define and distinguish between 'formal equality' and 'substantive equality' as interpreted by the Apex Court of the country.
- (d) How would you judge the constitutional validity of an Amendment giving primacy to the executive in the matter of appointment of the judges of the Supreme Court and High Courts?
2. (a) "By evolving the concept of jurisdictional facts, the Courts have broadened the power of judicial review of administrative action." Discuss this statement and compare the extent of judicial review of administrative action over jurisdictional facts and ordinary facts. **30**
- (b) "The term 'freedom of speech and expression' in Article 19(1)(a) has been held to include the right to acquire information and disseminate the same." Elucidate the import of this statement in the context of media industry. Is the right to paint or sing or dance covered by Article 19(1)(a) of the Indian Constitution or not? **30**
3. (a) "The Directive Principles which have been declared to be 'fundamental' in the governance of the country cannot be isolated from Fundamental Rights." Explain critically. Also throw light with reference to recent judgments on the Supreme Court's view as regards the interplay of Directive Principles and Fundamental Rights. **30**
- (b) Spell out the object and reasons of Part IV A of the Constitution of India. Do you support this addition to the Constitution of India? Give reasons and also suggest some effective measures to make these provisions more realistic and operational. **30**
4. Write short notes on/Answer the following: **20×3=60**
- (a) Scope of the Right with regard to self-incrimination
- (b) Indian ombudsman—unfulfilled dream
- (c) "Powers of Election Commission are not sufficient." Comment.

SECTION 'B'

5. Answer any three of the following (each answer should be in about 200 words):

20×3=60

- (a) Define and distinguish between 'arbitration' and 'judicial settlement' in the context of the rules of International Law. Also mention the relevant provisions regarding 'forum prorogatum'.
- (b) "Humanitarian Law is no longer Geneva and the Hague Law but transcends these conventions to reach cosmic stature and seek expression through the United Nations and other transnational instruments." Discuss with reference to growth and development of International Humanitarian Law in the present century.
- (c) "A human rights violation is now conceived as a violation not only of those personally and directly aggrieved but of everybody." Examine critically the above statement with reference to present scenario of our country and rest of the world.
- (d) "In practice the relationship between International Law and Municipal Law exists in the mixture of International Law supremacy, Municipal Law supremacy and a coordination of legal system." Comment on the aforesaid statement of Edward Collins in the context of the relationship between International Law and Municipal Law.

6. (a) Examine critically the different views regarding the recognition of States, highlighting the legal consequences of acts of recognition and policies of non-recognition. Also mention the difference between 'express recognition' and 'implied recognition'.

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(b) Enumerate the main features of International Criminal Court. What credit would you attribute to the functioning of this Court? What are the major drawbacks of this Court? Discuss, in this context, the possible amendments to the Regulations of the International Criminal Court.

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7. (a) Would you support the idea of the general review of the United Nations Charter? Give reasons. Also give your opinion about the continuity of the 'Veto System'. What is the stand of India in these respects?

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(b) Explain critically the principle of 'jus cogens'. Distinguish between 'Equal Treaties' and 'Unequal Treaties'. Give examples and also discuss the salient features of Vienna Convention on the Law of Treaties.

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8. Write short notes on the following:

20×3=60

- (a) Sanctions of International Law
- (b) 'Piracy jure gentium' on High Seas
- (c) Manila Declaration, 1982