

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 the following (each answer should be in about 150 words):— **15×4=60**
- (a) Constituent power to frame the constitution and the constituent power to amend the constitution have different connotation and scope. Explain.
- (b) “The Judiciary by usurping the powers of the other two organs of the Government in certain matters has diluted the theory of separation of powers.” Do you agree? Examine critically.
- (c) Do local bodies enjoy autonomy in performing their role in the field of economic development and social justice? Explain.
- (d) The Governor of a State holds office during the ‘pleasure’ of the President of India. Can he be removed by the President any time without any reason? Examine in the context of the position of the Governor under the Indian Constitution.
2. (a) ‘Equality is a dynamic concept with many aspects and dimensions, and it cannot be cribbed, cabined or confined within traditional and doctrinaire limits.’ Explain, how the judiciary has widened the scope of the right to equality by various decisions. **30**
- (b) Right to life has been extended to a clean human environment by the Courts in India. Discuss the development of law in this regard. **30**
3. (a) The decision of the Supreme Court of India in ADM, Jabalpur v. S. Shukla, according to Dr. Upendra Baxi, “made the darkness of emergency completely dark”. Do you think that the Constitution (44th Amendment) Act 1978 removed this darkness and provided for better protection of the Fundamental Rights? Explain. **30**
- (b) Examine whether the Election Commission of India has succeeded in performing the two responsibilities entrusted to it under Art. 324 of the Constitution of India? What steps would you suggest to ensure the preparation of correct electoral rolls? **30**
4. Write critical notes on the following:— **20×3=60**
- (a) Doctrine of Prospective Overruling.
- (b) Duties of the Prime Minister regarding furnishing of information to the President.
- (c) Secularism.

SECTION 'B'

5. Answer the following (each answer should be in about 150 words):

15×4=60

- (a) One extreme view is that International Law is a system without sanctions. However, it is not quite true that there are no forcible means of compelling a state to comply with International Law. Comment and state various sanctions for the observance of International Law.
- (b) ‘The Universal Declaration of Human Rights is comprehensive and has to some extent affected the content of national laws, being expressly invoked by tribunals, yet it is not a legal instrument and some of its provisions could hardly be said to represent legal rules. Some of its provisions either constitute general principles of law or represent element considerations of humanity. Perhaps its greatest significance is that it provides an authoritative guide, produced by the General Assembly, to the interpretation of the provisions in the Charter.’ Comment and discuss the importance of the Universal Declaration of Human Rights.
- (c) The Stockholm Conference of 1972 on the human environment served to identify those areas in which rules of International environment law, acceptable to international community as a whole can be laid down, and as well as those areas in which the formation of environmental rules must encounter insurmountable obstacles. Discuss the principles of international environment law proclaimed in the Stockholm Declaration.
- (d) What is international terrorism? Discuss various actions taken by the United Nations to eliminate the causes underlying international terrorism.
6. (a) “The distinction between ‘dejure/defacto recognition’ and ‘recognition as the dejure and defacto government’ is insubstantial, more especially as the question is one of intention and the legal consequences thereof in the particular case. If there is a distinction it does not seem to matter legally.” Comment and discuss the distinction between the two. 30
- (b) “Vessels on the high seas are subject to no authority except that of the State whose flag they fly. In virtue of the freedom of the sea, that is to say, the absence of any territorial sovereignty upon the high seas, no State may exercise any kind of jurisdiction over foreign vessels upon them.” Give a critical appraisal of this principle in the light of the case law and views of the International Law Commission. 30
7. (a) “The principle of States being obliged to “settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered” is generally bashed aside by the tendencies of the nation-states of being reticent to submit disputes to independent, impartial adjudication, particularly not accepting in advance the compulsory jurisdiction of an independent judicial body.” Explain the statement with reference at least to one such conflict existing in the world and also prepare a module for promoting negotiations among nations, using new opportunities created by globalisation. 30
- (b) “Extradition as a rule is effected by bipartite treaty. There is, therefore, no duty to extradite in the absence of a treaty. Further, the extradition treaties normally relate only to serious crimes and impose the same obligation on both the parties concerned.” Give your opinion on the correctness of this statement with reference to the existing position under the International Law. Also critically examine this practice in the light of ever increasing individual movements for trade and service to suggest necessary modifications in law. 30
8. (a) The four Geneva Conventions of 1949 for the protection of war victims cover the wounded and sick in land warfare; the wounded, sick and shipwrecked in warfare at sea; prisoners of war; and civilians. Discuss these protections. 30
- (b) ‘The United Nations is capable of legal development in accordance with the needs and circumstances. The Uniting for Peace Resolution, 1950 is its example.’ Discuss the validity of this resolution. 30