

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):

12×5=60

- (a) “The entries in the legislative lists are not the source of powers for the legislative constituents, but they merely demarcate the fields of legislation. It is now well settled law that these entries are to be construed liberally and widely so as to attain the purpose for which they have been enacted. Narrow interpretation of the entries is likely to defeat their object as it is not always possible to write these entries with such precision that they cover all possible topics and without any overlapping.” Critically evaluate the above statement with reference to interpretation of legislative entries contained in Seventh Schedule to the Constitution.
- (b) Are personal laws ‘law’ for the purposes of Part III of the Constitution? Discuss with reference to leading case law.
- (c) What is meant by ‘individual responsibility’ and ‘collective responsibility’ of the Council of Ministers? What would be the consequences of ‘individual responsibility’ in case a Minister of the Government is found guilty of tort of misfeasance by the Supreme Court of India? Comment.
- (d) What is the justification behind the Pardoning power of the President of India under Article 72 of the Constitution? Discuss with reference to Supreme Court cases the extent to which the exercise of this power can be subjected to judicial review.
- (e) Do you agree with the statement that ‘re-looking of the process of delegated legislation is necessary particularly in context to substantial amount of public participation?’ Comment critically.

2. (a) What do you understand by the term ‘Constitutional Conventions’? Are they relevant in a country like India having a lengthy written constitution with preamble? **20**

- (b) “Contempt of Court is a power inherent to a court of record.” In this regard discuss the sweep of power of the Supreme Court and the High Courts to punish their contempt. Also examine the defences of ‘fair criticism’ and ‘truth’ in the light of Contempt of Courts Act, 1971. **20**

- (c) In what circumstances and for violation of which rights can monetary compensation be awarded to the victims? What is your view for adopting such an approach by judiciary? Analyse critically. **20**

3. (a) With special reference to the landmark judgments of the Supreme Court of India, discuss the effect of relegation of the right to property from being a fundamental right to a constitutional right. Also suggest the changes required to be made in the Land Acquisition Act, 1894. **20**
- (b) In the presence of institutions like Competition Commission of India and Telecom Regulatory Authority of India, where policy making and adjudicatory functions are fused, comment on the significance of the doctrine of separation of powers in the contemporary Indian scenario. **20**
- (c) Is there any difference between 'Right to information' and 'Right to be informed'? Do we have any provision in the Constitution in this regard? Discuss with reference to case law. **20**
4. Write critical notes on the following: **20×3=60**
- (a) Doctrine of Legitimate Expectation
- (b) Institution of Local Self Government
- (c) Modern progressive approach of the principles of natural justice

SECTION 'B'

5. Answer the following (each answer should be in about 150 words): **12×5=60**
- (a) It is often said that customary international law is earlier to apply than to define. What are the inherent problems in defining 'custom' and how can a custom be considered as a source of international law?
- (b) With reference to the relationship between international law and municipal law, discuss the 'transformation' and 'specific adoption' theories. How can these two theories be harmonised with reference to States' obligations under relevant international law.
- (c) Identify and comment on the three major grounds for a State party to avoid its treaty obligations.
- (d) "The rules of the humanitarian law of war have clearly acquired the status of 'jus cogens', for they are the fundamental rules of a humanitarian character, from which no derogation is possible without negating the basic considerations of humanity which they are intended to protect." Evaluate the above statement and also point out the major distinction between humanitarian law and law relating to human rights.
- (e) Do you agree with the statement that 'United Nations is a World Government'? Give reasons for your answer.
6. (a) What is meant by right of national self determination of peoples and what is its role in the creation of a new State? Critically examine how minority rights can be protected while balancing the territorial integrity of a State at the same time. **30**
- (b) 'Legal restraint on the use of force' is the fundamental postulate on which the conception of enforcement of peace is based upon in modern international law. Enumerate and elucidate various international legal instruments with the help of which this concept is actually practised. **30**
7. (a) "With the exception of disputes of an exclusively legal character which are usually submitted to arbitration or judicial settlement, it is purely a matter of policy or expediency which of the different methods is to be adopted for composing a particular difference between States." Explain the different methods of peaceful dispute settlement envisaged by the United Nations Charter and examine the appropriateness of each in different situations. **30**
- (b) In the light of recent European crisis, critically assess the success of regional organisations of countries for cooperation in matters of trade and commerce. How far do geo-political **30**

proximities further economic cooperation?

- 8. (a)** Having regard to the United Nations Convention on Law of Sea (UNCLOS-III), which came into force in 1994, and its two predecessor UN Conventions on the Law of the Sea, analyse how far these conventions have been able to effectively codify customary international law of sea. **30**
- (b)** Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 1966 providing an enforcement mechanism for individuals in the international sphere is a watershed moment for the enthusiasts of second generation rights. Discuss the proposed mechanism, its significance and viability. **30**