

LAW
(Paper I)

Time Allowed : Three Hours

Maximum Marks : 250

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.

Attempts of questions shall be counted in sequential order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.

SECTION 'A'

1. Answer the following (each answer should be in about 150 words):
 - (a) What do you think is the form/nature of our Constitution – Federal, Unitary or Quasi-federal? The Members of the Drafting Committee call it federal, but many others would dispute this title. Critically examine the statement. 10
 - (b) What is 'Constitutionalism'? Explain the said concept both in its negative and positive aspects in the context of India's tryst with 'Constitutionalism' and 'Constitutional Governance'. 10
 - (c) Article 13 makes the judiciary, and especially the Apex Court, as a guardian, protector and the interpreter of the Fundamental Rights. It confers a power as well as imposes an obligation on the Courts to declare a law void if it is inconsistent with a Fundamental Right. Discuss. 10
 - (d) Explain the scope of the 'Special Leave Jurisdiction' of the Supreme Court as expounded by it. 10
 - (e) Examine the doctrine of separation of powers. Also mention the relevance of this doctrine in India. 10
2.
 - (a) The concept of 'Reasonable Opportunity' being a constitutional limitation on the doctrine of 'Tenure Pleasure', Parliament or State Legislature can make a law defining the content of 'Reasonable Opportunity' and prescribing procedure for affording the said opportunity to the accused government servant. Explain the concept with reference to leading cases. 20
 - (b) Explain and elucidate the meaning of the 'Right to personal liberty' as interpreted by the Supreme Court in *Papanasam Labour Union v. Madura Coat Ltd.* AIR 1995 S.C. 2200. Analyse critically the guidelines prescribed by the Hon'ble Supreme Court in this respect. 15
 - (c) Define the term 'public servant'. Also discuss the recruitment procedure of public servants in India. 15
3.
 - (a) Examine and elucidate the constitutional scope of the Ordinance making power of the President and the Governors in India. 20
 - (b) A backward class cannot be identified only and exclusively with reference to economic criterion. A backward class may, however, be identified on the basis of occupation-cum-income without any reference to caste. There is no constitutional bar in the State categorising the backward classes as 'backward' and 'more backward'. Do you agree 15

with the statement? Give reasons.

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| | (c) | What is 'Public Interest Litigation'? What are the major facets of this form of litigation? Also discuss the limitations of this type of litigation. | 15 |
| 4. | (a) | Define and distinguish between 'Constituent power', 'Amending power' and 'Legislative power'. Give illustrations. | 20 |
| | (b) | Do you agree with the statement that "all human rights are fundamental rights protected and recognised by the Constitution of India". Discuss with reference to statutory provisions and case laws. | 15 |
| | (c) | Enumerate the fundamental duties as provided in the Constitution of India. Also discuss the rationale behind the incorporation of fundamental duties in the Constitution of India later on. | 15 |

SECTION 'B'

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| 5. | | Answer the following (each answer should be in about 150 words): | |
| | (a) | It is impossible to fix a precise date or period in history to mark the beginning of International Law as it predates recorded history. Critically examine the history, nature, scope, and relevance of International Law in Contemporary International Society. | 10 |
| | (b) | International Law sets little or no limitation on the jurisdiction which a particular State may arrogate to itself. Explain the nature and scope of 'State Jurisdiction'. Critically examine the principles of 'State Jurisdiction'. | 10 |
| | (c) | Recognition confers the legal status of a State under International Law upon the entity seeking recognition. Important legal effects are being derived from recognition. Critically examine the statement. | 10 |
| | (d) | International Treaties are agreement of contractual character between States or organisation of States creating legal rights and obligations between the parties. Examine the statement critically and explain the growing importance of Treaties in Modern International Law. | 10 |
| | (e) | What do you understand by the concept 'Diplomatic Immunity'. What rules are provided under International Law in this respect. Discuss. | 10 |
| 6. | (a) | Explain the concept of 'International Humanitarian Law'. How can it be achieved? Critically examine the role of 'The Hague' and 'The Geneva Convention' in the development of Modern International Humanitarian Law. | 20 |
| | (b) | 'In several respects the TRIPS Agreement goes beyond the traditional GATT approach and further develops the law of International Trade'. Examine the important achievement of the Agreements on Trade Related Aspects of Intellectual Property Rights. (TRIPS). | 15 |
| | (c) | What is 'fishery zone'? How it is different from 'Exclusive Economic Zone'? Do you agree with the statement that 'a coastal state has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea'. Elucidate. | 15 |
| 7. | (a) | What are the objectives, structure and functioning of World Trade Organisation? Does signing and ratifying WTO undermine the Parliamentary Autonomy of India? Discuss. | 20 |
| | (b) | Trace the development of International Law relating to sovereignty over air-space. Critically examine the scope of legal control of use and abuse of outer space. | 15 |
| | (c) | Define intervention and mention the grounds under which it is justified. Also throw light on the violations of this principle of International Law. | 15 |
| 8. | (a) | "Asylum stops as it were when extradition begins". Comment. Also explain the various principles of extradition with reference to leading cases. | 20 |

- (b) Define the concept of 'opposability' in the context of relationship between International Law and Municipal Law. Also discuss the relevance of this concept in modern times with special reference to India. 15
- (c) What is the importance and meaning of 'Base Line' under UN convention on Law of Sea 1982? How is it determined? 15