

301010

COMBINED COMPETITIVE EXAMINATION (MAIN)

LAW

Paper-I

Time : 3 Hours

Full Marks : 200

- Note : (1) The figures in the right-hand margin indicate full marks for the questions.
(2) Attempt five questions in all.
(3) Question No. 1 is compulsory.*

1. Answer any *ten* questions from the following : 4×10=40
- (a) Explain the constitutional provisions of the right against self-incrimination.
 - (b) "The President acts on the aid and advice of the Union Council of ministers." Analyse this statement with the help of decided cases.
 - (c) Explain the interrelationship of Articles 14, 19 and 21 of the Indian Constitution.
 - (d) Discuss the residuary powers of the Parliament towards law making.
 - (e) Explain the doctrine of eclipse with regard to pre-constitutional laws.
 - (f) Briefly discuss the position of Governor in state.
 - (g) Define the concepts of continental shelf and exclusive economic zone.
 - (h) What are the rights and duties of individuals under international law?
 - (i) Describe the power and function of United Nations Security Council.
 - (j) Discuss various modes of peaceful settlement of international disputes.
 - (k) Analyse the doctrine of retroactivity of recognition with the help of case laws.
 - (l) Write on the constitutional protections against preventive detentions as granted under Article 22.

2. Answer any *eight* questions from the following :

5×8=40

- (a) Define State as given in the Article 12 of the Indian Constitution. Refer some of the decided cases.
- (b) How far do you agree with the view that Fundamental Rights, Fundamental Duties and Directive Principles of State Policy are correlative to each other?
- (c) "Basic structure is the very heart of the constitutional scheme." Critically examine the statement with the help of the decided cases.
- (d) Examine the significance of the rule of pith and substance in resolving conflicts between entries in the Union List and in the State List. Support your answer with the help of case laws.
- (e) What are the permissible limits of delegated legislation?
- (f) Whether the power of the Governor to promulgate an ordinance is the same as that of the President? Explain.
- (g) All executive powers of the Union is vested in the President. Explain.
- (h) Preamble is the part of Indian Constitution. Comment.
- (i) Why do linguistic and religious minorities need protection under Article 30(1) of the Indian Constitution?
- (j) Explain, in brief, the powers and privileges of the Parliament under the Constitution of India.

3. Answer any *five* questions from the following :

8×5=40

- (a) What are the essential features of Indian parliamentary government? Do you think that India needs a presidential form of government?
- (b) Explain briefly the rights of minorities to establish and administer educational institution of their choice. Support your answer with the help of decided cases.
- (c) Discuss, in brief, the requirement of reasonable opportunity of being heard as prescribed under Article 311 of the Constitution. Whether such an opportunity can be withdrawn?
- (d) Enumerate the procedure of amending the Constitution and also discuss its limit imposed by the judicial interpretation by the Supreme Court.
- (e) Explain the provision relating to protection and improvement of environment in our Constitution and also critically examine the role of judiciary for needed intervention with the help of decided cases.

- (f) "Article 14 of the Constitution of India forbids class legislation not reasonable classification." Critically examine this statement in the light of various decided cases.
- (g) What is repugnancy? What are different situations when repugnancy can arise under Article 254 of the Constitution? Explain with the help of decided cases.
4. Answer any *four* questions from the following : 10×4=40
- (a) "The fundamental right to freedom of speech and expression has in recent times seen expanding horizons." Critically examine the statement in the light of *Shreya Singhal v. Union of India* AIR 2015 SC 1523.
- (b) "The concept of natural justice is elastic and is not susceptible to precise definition." How far do you agree with this view? Support your answer with the help of judicial pronouncements on this subject.
- (c) When can the President's rule be imposed under Article 356 of the Constitution? Explain, in brief, the law laid down in the case of *S. R. Bommai v. Union of India* (1994) 3 SCC1.
- (d) Discuss, in brief, the ambit and scope of positive discrimination explained under Article 15 of the Indian Constitution with the help of various decided cases on the subject in the light of admission into educational institutions.
- (e) The trade, commerce and intercourse shall be free throughout the territory of India. Discuss with the help of decided cases.
5. Answer any *two* questions from the following : 20×2=40
- (a) "International law is not true law but a code of rules of conduct of moral force only." How far do you subscribe to this view? Explain, in brief, the nature of international law.
- (b) Custom is the original and the oldest source of International Law. Critically examine this statement. How far do you agree that custom has played important role to resolve the international disputes? Support your answer with the help of decided cases.
- (c) Write short notes on any *four* of the following :
- (i) *Rebus sic stantibus*
 - (ii) Subject of International Law
 - (iii) Territorial asylum
 - (iv) State succession
 - (v) Hot pursuit

6. Answer any *four* questions from the following: 10×4=40
- (a) What are various immunities and privileges granted to diplomatic invoice under International Law?
 - (b) "The power of veto has paralyzed the Security Council." Critically examine this statement.
 - (c) Define nationality and discuss the modes of acquiring nationality.
 - (d) Explain the principle of Ratification of Treaty. Also examine the legal consequences of non-ratification of treaty by the state.
 - (e) Explain various peaceful means of resolving international disputes under International law.
7. Answer any *two* questions from the following : 20×2=40
- (a) "The relationship between International Law and Municipal Law has been uneasy compromise between monism and dualism." Critically examine the statement in the light of interpretation given by the Indian Supreme Court in various cases.
 - (b) "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." Discuss. State various sanctions for the observance of International Law.
 - (c) Explain the scope of the principle of freedom of High Seas and also examine the legality of nuclear tests in the area of High Sea.
8. Federalism has in recent years, witnessed a change from dogmatic to dynamic approach. Explain the new trend of federalism emerging to meet the aspirational goals of the constitution. Substantiate your arguments with the help of various decided cases on the point. 40
9. "When India is said to be a secular state, it does not mean that we reject the reality of an unseen spirit or the relevance of religion to life or that we exalt irreligious." In the light of the above statement of Dr. Radhakrishnan, explain various interpretations of secularism by the Supreme Court. 40
10. Critically evaluate the role played by the United Nations for the protection of human rights. 40