

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 of the following : 4×10=40
- (a) What do you mean by 'equality before law' and 'equal protection of the law'?
 - (b) Write a short note on the doctrine of pith and substance.
 - (c) Briefly discuss the 'parliamentary privileges'.
 - (d) Discuss the advisory jurisdiction of the Supreme Court.
 - (e) Examine the scope of reservation in educational institution.
 - (f) What are the reasonable restrictions under Article 19 of the Indian Constitution?
 - (g) Article 20(1) provides protection against an *ex post facto* law. Explain.
 - (h) What do you understand by the concept 'diplomatic immunity'? What rules are provided under international law in this respect?
 - (i) What is 'fishery zone'? How is it different from 'exclusive economic zone'?
 - (j) "Asylum stops as it were when extradition begins." Comment.
 - (k) Explain the concept of 'nationality' and its acquisition with the help of suitable instances.
 - (l) Discuss the relationship between International Law and Municipal Law.

2. Answer any *eight* of the following :

5×8=40

- (a) Examine the constitutional scope of the ordinance-making power of the President of India and the Governors of States.
- (b) Define and distinguish among 'constituent power', 'amending power' and 'legislative power'. Give illustrations.
- (c) Enumerate the Fundamental Duties as provided in the Constitution of India. Also discuss the rationale behind incorporation of Fundamental Duties in the Constitution of India later.
- (d) Is 'commercial advertisement' covered within the ambit of 'freedom of speech and expression'? Discuss with reference to leading cases.
- (e) What is meant by 'individual responsibility' and 'collective responsibility' of the Council of Ministers?
- (f) Discuss the constitutional position of the President.
- (g) Examine the effect of a proclamation of national emergency on the Fundamental Rights.
- (h) Examine the functions of the Union Public Service Commission.
- (i) Critically analyze the relationship between Fundamental Rights and Directive Principle of State Policy.
- (j) The Constitution places limits on the delegation of legislative powers. Discuss the permissible limits of delegation of legislative power referring to relevant cases.

3. Answer any *five* of the following :

8×5=40

- (a) What do you think is the nature of our Constitution—Federal, Unitary or Quasi-federal? Critically examine.
- (b) "The goals specified in the Preamble contain the basic structure of our Constitution, which cannot be amended under Article 368." Elaborate in the context of leading cases.
- (c) 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.

- (d) In what circumstances and for violation of which rights can monetary compensation be awarded to the victims? What is your view regarding the adoption of such an approach by the judiciary? Analyze critically.
- (e) Explain the scope of the 'Special Leave Jurisdiction' of the Supreme Court as expounded by it.
- (f) Critically examine the constitutional validity of an amendment deleting Article 16(4) and authorizing the State to make job reservation in favour of backward classes of citizens.
- (g) With special reference to the landmark judgement of the Supreme Court, discuss the effect of relegation of the right to property from a Fundamental Right to a Constitutional Right.

4. Answer any *four* of the following :

10×4=40

- (a) Article 13 makes the judiciary, and especially the Apex Court, as the 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.
- (b) "Equality is antithesis of arbitrariness. In fact, equality and arbitrariness are sworn enemies." Do you agree with the view? Comment critically.
- (c) Write short notes on any *two* of the following :
 - (i) Residuary Powers
 - (ii) Uniform Civil Code
 - (iii) Constitutional Conventions
 - (iv) Modern Approach towards the Principles of Natural Justice
 - (v) Cultural and Educational Rights
- (d) Has judiciary been a hindrance or a facilitator in the interpretation of Directive Principles? Examine in the light of various judgements of the Supreme Court.
- (e) Explain and elucidate the meaning of the 'Right to personal liberty' as interpreted by the Supreme Court in *Papanasam Labour Union v. Madura Coats Ltd.*, AIR 1995, SC 2200. Analyze critically the guidelines prescribed by the Supreme Court in this respect.

5. Answer any *two* of the following :

20×2=40

- (a) With reference to the relationship between international law and municipal law, discuss the 'transformation' and 'specific adoption' theories. How can these two theories be harmonized with reference to States' obligations under relevant International law?
- (b) Write short notes on any *four* of the following :
- (i) *Jus cogens*
 - (ii) Extradition
 - (iii) International Rivers
 - (iv) Self-defence
 - (v) Statelessness
- (c) 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'.

6. Answer any *four* of the following :

10×4=40

- (a) It is often said that customary international law is easier 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) Identify and comment on the three major grounds for a State party to avoid treaty obligations.
- (c) "United Nations is a World Government." Do you agree with the statement? Give reasons for your answer.
- (d) "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.
- (e) Trace the development of international law relating to sovereignty over airspace. Critically examine the scope of legal control of use and abuse of outer space.

3

38/

7. Answer any *two* of the following :

20×2=40

- (a) Having regard to the United Nations Convention on Law of the Sea (UNCLOS-III), which came into force in 1994, and its two predecessor UN Conventions on the Law of the Sea, analyze how far these Conventions have been able to effectively codify international law of the sea.
- (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.
- (c) Write short notes on any *two* of the following :
- (i) Rights and duties of coastal State over continental shelf, exclusive economic zone and high seas
 - (ii) General principles of law recognized by civilized nations
 - (iii) *De jure* and *de facto* recognition
 - (iv) Security Council

8. "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 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 the Seventh Schedule to the Constitution. 40
9. In the light of *National Legal Services Authority v. Union of India* (2014) 5 SCC 438, comment of the rights of transgender communities recognized by the Supreme Court. 40
10. "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 different methods of peaceful dispute settlement envisaged by the United Nations Charter and examine the appropriateness of each in different situations. 40

★ ★ ★