

LAW

72

PAPER—I

Time Allowed : Three hours

Maximum Marks : 300

The figures in the margin indicate full marks for the questions

Answer Question Nos. **1** and **5** and *any three* of the remaining questions, selecting at least **one** from each Section

SECTION—A

1. Answer any *three* of the following (each answer should be in about 200 words) : 20×3=60
- (a) Critically examine the nature of the Indian Constitution. Whether can it be characterised as Federal? Discuss in detail with the opinion of judiciary on the issue.
- (b) Define 'State'. Discuss the judicial decisions enlarging the concept with the leading case of *Ajay Hasia vs. Khalid Mujib*, AIR 1981 SC 487. Whether the definition of 'State' is confined to a Government Department and Legislature only? Critically evaluate your answer.
- (c) Critically examine the constitutional practice of imposing the President's Rule in a State under Article 356 of the Constitution of India.
- (d) What do you mean by 'Welfare State'? How Constitution has casted obligations upon the State to achieve the target under the provisions of Directive Principles? Explain fully.
2. (a) What are the various functions and duties of the Union Public Service Commission and State Public Service Commission as envisaged in the Constitution of India? Can a Chairman or Member of UPSC/State PSCs be removed from the office by an executive order? State the methods and procedure for removal from office. 30
- (b) Freedom of speech and expression has been incorporated as fundamental right. Whether this right is absolute? What are the restrictions provided by the Constitution itself? Whether right to information is fundamental right? Write your answer quoting authority. 30

3. (a) Discuss in detail the procedural safeguards to civil servant guaranteed by Article 311(2) of the Constitution pointing out exceptions, if any. Are the employees of a statutory corporation entitled to benefit of Article 311 of the Constitution? 30
- (b) What do you mean by 'amendment'? Discuss the scope and limits of amending power of the Parliament with reference to important judicial decisions. Your answer should also specifically deal with amendment of fundamental rights and basic features. 30
4. (a) Explain and illustrate the term 'Natural Justice'. Do you think that natural justice lays foundation on which the principles of good administration rest? Elucidate your answer citing judicial decision. 30
- (b) What is pure administrative act? How judiciary review the administrative actions? Discuss the limitations of the High Courts in exercising writ jurisdiction under Article 226 of the Constitution of India. 30

SECTION—B

5. Answer any *three* of the following (each answer should be in about 200 words) : 20×3=60
- (a) Discuss the scope, jurisdiction and powers of the International Criminal Court which has been set up in July, 2002. Also distinguish between International Court of Justice and International Criminal Court as regard their function.
- (b) What is new economic order? Evaluate significant achievement in the object targeted. Discuss Paris Conference and Dunkel proposal in this direction.
- (c) Development and environment are related to each other not only at national level but in international field. Elucidate with relevant provisions made in the UN Charter with regard to economic development and respect for human right through the clear acceptance of social and economic right.
- (d) Write a note on historical development of International Law. Critically examine the statement—International Law is vanishing point of jurisprudence with reference to working in modern world.

6. (a) What is Recognition and State succession? Write down the different theories of Recognition of a new State with a explanatory note on the rights and duties arising out of State succession. Cite at least one glaring example happened in 20th century. 30
- (b) Explain the State practice relating to operation of International Law within the Municipal Law. Critically examine the different theories with respect to the relationship between International Law and Municipal Law. 30
7. (a) How is an International Treaty formulated? Write a note on ratification, interpretation and termination of treaty and also write down an essay about different methods for settlement of international disputes. 30
- (b) Write the contributions of the League of Nations and the United Nations to the development of contemporary International Law. Is the USA Government behaving like a rogue State in imposing her will to the International Community? Examine critically. 30
8. (a) Assess the rich contributions of the United Nations in fulfilling the UN Charter, 1945. State the progress the UN has so far achieved in fulfilling the UN mandate of de-colonisation. Explain your answer with suitable events. 30
- (b) Critically examine the following :
- (i) Development of Air law
 - (ii) Development relating to Aircraft hijacking
- Evaluate the hijacking on Indian Aircraft/Airline with principles of Universal Jurisdiction relating to such crime. 30

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Maximum Marks : 300

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Answer Question Nos. **1** and **5** which are compulsory and **three** of the remaining questions, selecting at least **one** from each Section

SECTION—A

1. Answer any *three* of the following (answer to each question must not exceed 200 words) : 20×3=60
 - (a) There are certain general defences which apply in every tort. Write about them. Whether there are different defences apart from above in case of defamation? Elucidate your answer fully.
 - (b) What is an 'unlawful assembly' as defined in Indian Penal Code? Assess the criminal liability, whenever force or violence is used, by any member of armed forces thereof. Distinguish between common intention and common object.
 - (c) Illustrate the factors to be considered for ascertaining the availability or nonavailability of right of private defence in cases of both body and property.
 - (d) Narrate the doctrine of contributory negligence stating defence of it. Also explain contributory negligence of the children bringing out position of law in England.

2. (a) Describe the offences relating to marriage as envisaged in IPC with judicial decision. Explain the provisions introduced in the Code of Criminal Law (Amendment) Act, 1983 to combat the menace of dowry death. Whether present law is inadequate? Suggest suitably. 30

- (b) Explain the offences against State. Whether terrorism is defined in IPC? Apart from existing legislations, whether further enactment is required to deal with the situation arising in the present-day society from terrorists? Critically examine. 30

3. (a) Define attempt. Whether attempt is punishable? What does constitute crime and what are different stages of crime? Point out the difference of offence and crime with suitable illustrations. 30
- (b) Critically analyse the doctrine of vicarious liability. Discuss the vicarious liability of Government for the acts committed by its servant. Also highlight if there is any liability for criminal act. 30
4. (a) Who is consumer and what do you mean by deficiency in service? Discuss how, when and under what circumstances, a consumer/complainant can file complaint for the same. Discuss the authorities constituted for redressal of grievances under the provisions of the Consumer Protection Act. 30
- (b) Write critically on the following : 15×2=30
- (i) Protection of the Civil Rights Act, 1955
- (ii) Prevention of the Corruption Act, 1988

SECTION—B

5. Answer any *three* of the following (answer to each question must not exceed 200 words) : 20×3=60
- (a) What are different kinds of agreement declared void by the Indian Contract Act, 1872? Explain them briefly with suitable illustrations.
- (b) Explain the terms 'performance' and 'discharge' in the area of contract. What are the modes of discharging contract? Is there any remedy for anticipatory breach of contract? Discuss.
- (c) "Proposal and acceptance are the foremost for formation of contract." Explain the above statement. How can an offer be accepted and revoked? Discuss fully citing judicial decisions.
- (d) How is an agent appointed? Whether consideration is required for creation of an agency? Explain different modes of appointment of an agent and its ratification.
6. (a) Indian Contract Act has not defined the term 'quasi-contract' but certain resembling obligations. Discuss, with its essentials, fully for enforcement. 30
- (b) What do you understand by the terms 'void' and 'voidable' contracts? Discuss the rights and obligations of parties to a void contract and a voidable contract after its rescission. Whether there is any legal force of illegal contracts? Explain with judicial decisions. 30

7. (a) "The receipt by a person of a share of profits of a business or of a payment contingent upon the earning of profits or varying with profits earned by a business, does not itself make him a partner with the persons carrying on the business."
Elucidate the statement and state the mode of determining existence of a partnership. 30
- (b) Critically examine the importance of the Negotiable Instruments Act, 1881 in present-day scenario. 30
8. (a) What do you mean by 'alternative dispute resolution'? Discuss the advantages and efficacy of ADR system. By incorporating the provision in Civil Procedure Code, the system has advanced in justice delivery system in present day. Put forth your suggestions. 30
- (b) Define 'foreign award'. What are the characteristics of foreign award? Distinguish between foreign award and domestic award. Whether, in execution of foreign award, the interest pendente lite and future interest are applicable? If so, state the periods of such application. 30
