

CSM – 48/19

Law

Paper – I

Time : 3 hours

Full Marks : 300

The figures in the right-hand margin indicate marks.

*Candidates should attempt Q. No. 1 from Section – A and Q. No. 5 from Section – B which are compulsory and any **three** of the remaining questions, selecting at least **one** from each Section.*

SECTION – A

1. Answer any **three** of the following in about **200** words each : 20×3 = 60
 - (a) What do you think is the form/nature of Indian Constitution – Federal, Unitary or Quasi-federal ? Discuss with reference to G. S. T. Council.
 - (b) Discuss the interrelationship of fundamental rights and fundamental duties with particular reference to singing of national anthem and hoisting of national flag on normal days.

- (c) Define and distinguish between 'dismissal', 'removal' and 'reduction in rank' as envisaged under Article 311 of the Indian Constitution (Safeguards to Civil Servants).
- (d) What is meant by 'Administrative', 'Judicial' and 'Quasi-judicial' functions? What is the nature of pardoning power of President of India under Article 72 of the Constitution?
2. (a) Compare and contrast between the position of President and Governor in India. What do you mean by 'Doctrine of Pleasure' as contained in Article 156 (Term of Office of Governor). 30
- (b) Distribution of legislative powers between the Union and States are heavily tilted in favour of the Union. Explain. 30
3. (a) "The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself" (Article 129). Explain in the light of latest developments. 30

(b) What do you mean by parliamentary privileges ? Make out a case for codification of those privileges. 30

4. (a) "The anti-discriminatory provisions contained under Article 14-16 included the right not to be discriminated against on grounds of sexual orientation and gender." Explain with reference to National Legal Services Authority vs Union of India (2014) 5 SCC 438. 30

(b) Explain the procedure to amend the Constitution of India and examine where the power to amend the constitution lies ? What is meant by constituent power of Parliament ? Discuss. 30

SECTION – B

5. Answer any **three** of the following in about **200** words each : 20×3 = 60

(a) Critically examine the history, nature, scope and relevance of International Law in contemporary international society.

- (b) What are the objectives, structure and functioning of World Trade Organisation ?
- (c) Discuss ratification of a treaty. Discuss the doctrine of 'Pacta Sunt Servanda' and 'Rebus Sic Stantibus'.
- (d) Write brief note on the relationship between International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
6. (a) Define State-Succession. What is its effect upon the treaties and tortious liabilities of the predecessor state ? 30
- (b) Describe the composition of the security council with its historical background. Do you think that it needs some more amendments now ? 30
7. (a) Why was the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations ? Discuss whether human rights proclaimed in the Declaration form part of customary international law. 30

- (b) The right to privacy is stipulated in the International Covenant on Civil and Political Rights. But this right is not guaranteed, as such, in the Indian Constitution. However, such a right has been called by the Supreme Court from Article 21 and several other provisions of the Constitution. Discuss with the help of decided cases. 30
8. (a) Describe the composition, powers and functions of International Human Rights Commission. Discuss the contributions made by it. 30
- (b) Whether right to development is related to Human Rights ? How the development and human rights are progressing in India ? 30

