

1(CCE-M)6

LAW-I

[13]

Time Allowed -3 Hours

Maximum Marks-300

INSTRUCTIONS

- i) *Answers must be written in English.*
- ii) *The number of marks carried by each question is indicated at the end of the question.*
- iii) *The answer to each question or part there of should begin on a fresh page.*
- iv) *Your answer should be precise and coherent.*
- v) *The part/parts of the same question must be answered together and should not be interposed between answers to other questions.*
- vi) *Candidates should attempt question numbers 1 and 5 which are compulsory and any **three** more out of the remaining questions selecting at least **one** from each section .*
- vii) *If you encounter any typographical error, please read it as it appears in the text book.*
- viii) *Candidates are in their own interest are advised to go through the General Instructions on the back side of the title page of the Answer Script for strict adherence.*
- ix) *No Continuation sheets shall be provided to any candidate under any circumstances.*
- x) *Candidate shall put cross (X) on blank pages of answer Script.*
- xi) *No blank page be left in between answer to various questions.*
- xii) *No programmable Calculator is allowed.*
- xiii) *No stencil (with different markings) is allowed.*
- (xiv) *In no circumstances help of scribe will be allowed .*

SECTION-A

1. Attempt any **THREE** out of the following . **(3×20=60)**
 - a) Discuss the constitutional provisions for removal of the Judge of the Supreme Court of India .
 - b) What are the distinctive features of Indian federalism ?
 - c) Discuss Rule against Bias with the help of decided cases .
 - d) "Equality is antithetic to arbitrariness" Discuss with the help of decided cases.

2. a) Discuss the constitutional provisions under which the parliament can legislate with respect to entries in the state list. (30)
- b) Critically analyse the power of the parliament to amend the constitution of India. (30)
3. a) Discuss the writ of mandamus. Can writ of mandamus be issued to private bodies? (30)
- b) What is the meaning of the term 'the State' as per Article 12 of the Indian Constitution and as per various judicial pronouncements. (30)
4. a) Critically analyse the constitutional position and functions of the President of India. (30)
- b) Discuss the constitutional provisions on freedom of trade, commerce and intercourse within the territory of India. (30)

SECTION-B

5. Attempt any **THREE** out of the following. (3×20=60)
 - a) What is the legal status of the United Nations General Assembly resolutions.
 - b) Discuss the obligation 'either extradite or prosecute'.
 - c) Who can seek advisory opinion from the International Court of Justice? Can International Court of Justice refuse to give advisory opinion? Discuss.
 - d) Critically analyse the power of the UN Security Council to maintain international peace and security.
6. a) What do you understand by 'reservation to treaties'? How does reservation to treaty affect its application among the parties? (30)
- b) What are the theories of relationship between international law and municipal law? Discuss the Indian practice of application of international law into municipal sphere. (30)
7. a) Discuss the importance of the inviolability of the diplomatic mission and the person of the diplomatic agent. (30)
- b) What do you understand by 'exclusivity of flag - state jurisdiction' in case of collision on the High Seas? Discuss the exceptions to this exclusivity of the flag state jurisdiction in the High Seas. (30)
8. a) Critically evaluate the theories of recognition. Distinguish between the Dejure and Defacto recognitions. (30)
- b) Discuss the constituent elements of an internationally wrongful act of a state. (30)