Question Paper Specific Instructions

Please read each of the following instructions carefully before attempting questions:

There are EIGHT questions divided in TWO SECTIONS and printed both in HINDI and in ENGLISH.

Candidate has to attempt FIVE questions in all.

Questions no. 1 and 5 are compulsory and out of the remaining, THREE are to be attempted choosing at least ONE from each section.

The number of marks carried by a question/part is indicated against it.

Answers must be written in the medium authorized in the Admission Certificate which must be stated clearly on the cover of this Question-cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in a medium other than the authorized one.

Word limit in questions, wherever specified, should be adhered to.

Attempts of questions shall be counted in sequential order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.
SECTION A

Q1. निम्नलिखित में से प्रत्येक का उत्तर लगभग 150 शब्दों में लिखिए:

Answer the following in about 150 words each: 10×5=50

(a) समकालीन आर्थिक, राजनीतिक और सामाजिक वास्तविकताओं को देखते हुए, अनुच्छेद 12 के प्रयोजनों के लिए, कोई अभिव्यक्तिकारण या राज्य के नहीं, इसका निर्धारण करने के लिए विकसित न्यायिक ढाँचे का समालौकिक-सामाजिक मूल्यांकन कीजिए। क्या यह परीक्षण आजकल अनुपस्थित संकीर्ण है? अपने उत्तर के पक्ष में दलित दशक?

Given the contemporary economic, political and social realities, critically evaluate the judicial framework developed to determine whether an agency/body is 'State' for the purposes of Article 12. Is the test currently too narrow? Justify your answer.

(b) इस मत के बारे में आपका क्या विचार है कि अनुच्छेद 72 और 161 के अधीन राष्ट्रपति और राज्यपालों द्वारा द्या प्रदान करने की शक्तियों का उपयोग भी सातविधियां चुनौती के लिए खुला होना चाहिए? देश के उच्चतम न्यायालय के हाल के केसों का उद्धृत करते हुए इस पर चर्चा कीजिए।

What would be your opinion regarding the view that the exercise of powers by the President and Governors under Article 72 and 161 to grant mercy should also be open to Constitutional Challenge? Discuss with reference to recent cases of the Apex Court of the country.

(c) “भारत के संविधान का अनुच्छेद 14 वर्ष विधान को मना करता है लेकिन उच्च कर्त्तर को नहीं मना करता है।” परीक्षण कीजिए और साथ में चर्चा कीजिए कि इस सातविधियों उपकरण के द्वारा प्रभावित और अवस्था की समानता किस हद तक प्राप्त की जाती है।

“Article 14 of the Constitution of India forbids class legislation not reasonable classification.” Examine and also discuss how far equality of status and opportunity are achieved by this Constitutional provision.

(d) भारत के संरचना में 'लोकायुक्त' और 'लोकपाल' शब्दों को परिभाषित कीजिए और उनके बीच विभेद कीजिए। साथ ही, इसकी प्रासंगिकता का भी उल्‌लेख कीजिए।

Define and distinguish between the terms 'Lokayukta' and 'Lokpal' in the Indian context. Also mention about its relevance.
Q2. (a) “‘विधि का अधिकार’ का अर्थ केवल प्राणि-अस्तित्व से कुछ अधिक होता है।” केस विधि के उद्देश्य के द्वारा इस पर चर्चा कीजिए। क्या अभिव्यलोकना ‘विधि का अधिकार’ और ‘व्यक्तिगत स्वतंत्रता’ के बीच कोई अंतर है? समालोचनापूर्वक स्पष्ट कीजिए।

“Right to life means something more than mere animal existence.” Discuss with reference to case law. Is there any difference between the expression ‘right to life’ and ‘personal liberty’? Explain critically.

(b) “प्रधान मंत्री मंत्रिमंडल में राजकीय पद्धति होता है क्योंकि वही उसकी रचना, जीवन और धृति के लिए, जिम्मे दर होता है।” संविधान के विषयं उपबंधों के प्रकाश में उपर्वक कथन का समालोचनात्मक परीक्षण कीजिए और मंत्रिमंडल में भारत के प्रधान मंत्री की स्थिति का निर्धारण कीजिए।

“The Prime Minister is the keystone of the Cabinet arch because he is responsible for its formation, life and death.” Critically examine the above statement in the light of various provisions of the Constitution and determine the position of the Prime Minister of India in the Cabinet.

(c) ‘विधिक सहायता’ के क्षितिज का विस्तार हो गया है, परंतु फिर भी अभी तक उसका प्रभाव पूरी तरह दिखाई नहीं देता है। आप इस संकट को किस प्रकार सुलझाएंगे, जो हमारे देश के करोड़ों गरीबों के जीवन को सालों-सालों से बर्बाद कर रहा है। इसको अधिक प्रभावी और कार्यान्वयन-क्षम बनाने के लिए कुछ ठोस उपाय सुझाए।

The horizon of ‘Legal aid’ has been widened best, still the impact is totally missing. How would you resolve this crisis which is ruining the life of millions of poor people of our country over the years? Suggest some concrete measures to make it more effective and implementative.
In light of the fact that the Constitution of India has no express prohibition on delegated legislation, critically evaluate the basis for different judicial positions either prohibiting excessive delegation or permitting delegation without Constitutional limitations.

What is ‘Protected discrimination’? Examine how far it is constitutional under Article 15 and 16. Give reference of decided cases. Also mention the limitations of these articles as per its application.

“The non-obstante clause in Article 246 ought to be regarded as last resource in case of an inevitable and irreconcilable conflict between the lists.” Examine critically. Also discuss the abuse/abuses related to this clause. Is there any connection between the doctrine of ‘pith and substance’ and ‘non-obstante clause’?

Under what circumstances, apart from concerned parties, a third party has locus standi to move writ petition before the High Court or Supreme Court? How has this procedure helped in developing and promoting democratic principles in the country?
(b) Critically evaluate the powers of the Governor of a State as provided under the Constitution of India. How would you interpret the following observation that “the role of a Lieutenant Governor is no more than that of a facilitator of administration under the President’s control”?

(c) Explain the opinion of the Supreme Court of India regarding the relation between the Fundamental Rights and Directive Principles of State Policy in the light of its decided cases. Do you agree with the view that giving primacy to one over the other is to disturb the harmony of the Constitution? Comment with reference to the present day scenario relating to education, health, religion, etc.
Q5. निर्देशित में से प्रत्येक का उत्तर लगभग 150 शब्दों में लिखिए:

Answer the following in about 150 words each:

(a) “आज अंतर्राष्ट्रीय विधि के आधार का विषाल स्थानांतरण है, जबकि अंतर्राष्ट्रीय विधि का प्रमुख सिद्धांत बंधनकारी नियमों, आरोपित कर्त्तव्यों और राज्य पर अधिकारों के संप्रदान के द्वारा निर्धारित है।” समालोचनापूर्वक टिप्पणी कीजिए।

“Today there is a huge shift of the basis of International law though the principal component of International law is represented by binding rules, imposing duties and conferring rights upon the state.” Comment critically.

(b) अंतर्राष्ट्रीय विधि के अधीन ‘प्रत्यर्पण संधि’ के महत्व और प्रावृत्तिकता का मूल्यांकन कीजिए। क्या ऐसे अर्थस्थिति का प्रत्यर्पण करने का राज्य का दायित्व होता है, जिस पर एक पड़ोसी राज्य में राजनीतिक हत्या का आरोप है? कारण बताइए।

Evaluate the importance and relevance of ‘Extradition Treaty’, under International law. Is a state liable to extradite an offender, who has been accused of a political murder in a neighbouring state? Give reasons.

(c) युद्ध-विद्रोहों की मुख्य में अंतर्राष्ट्रीय मानवतावादी विधि की प्रभाविता पर चर्चा कीजिए।

Discuss the efficacy of International Humanitarian law in the protection of Prisoners of War.

(d) “अंतर्राष्ट्रीय आतंकवाद विश्व व्यवस्था और शांति के लिए खतरा है।” विस्तारपूर्वक स्पष्ट कीजिए। साथ ही, ‘अंतर्राष्ट्रीय आतंकवाद’ शब्द की परिभाषा कीजिए। इस संदर्भ में विकसित और विकासशील देशों ने कौन से प्रमुख कदम उठाए हैं? चर्चा कीजिए।

“International Terrorism is a threat to world order and peace.” Elucidate. Also define the term ‘International Terrorism’. What major steps have been taken up by the developed and developing countries in this respect? Discuss.

(e) ‘संधि की संपूर्णता’ के सिद्धांतों को स्पष्ट कीजिए। साथ ही, संधि की अ-संपूर्णता के परिणामों का परीक्षण कीजिए।

Explain the principles of ‘Ratification of a Treaty’. Also examine the consequences of non-ratification of a treaty.
Q6. (a) The Republic of Marshall Islands (RMI) recently filed an application against India in the International Court of Justice (ICJ) alleging India's breach of its obligation to pursue in good faith and conclude negotiations leading to nuclear disarmament. Would it fall under the compulsory jurisdiction of ICJ? Discuss. Also mention about the possibility of challenging this jurisdiction by India.

(b) "A man’s nationality is a continuing legal relationship between the sovereign state on the one hand and the citizen on the other." Explain the above statement. Also mention the difference between ‘nationality’, ‘double nationality’ and ‘statelessness’.

(c) Define and distinguish between the following:
   (i) Recognition of State and Recognition of Government
   (ii) De facto and De jure recognition

Also explain the concept ‘Collective recognition’.

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Q7. (a) Critically evaluate the laws/conventions/practices available for the protection and preservation of marine environment under International law. Also discuss the rules provided under International law for ‘transit passage’ and its abuses.

(b) Discuss the various peaceful means of resolving International disputes. Which one according to you is more practical in the context of problems of the present day? Give reasons.

(c) What is the meaning of the term ‘Territorial Asylum’, under International law? What are its major components? And how is it different from the term ‘Territorial Sovereignty’? Discuss.

Q8. (a) Critically examine the provisions of the UN Charter which enables the UN to perform its primary role of ‘peace keeping’ among nations. What is your assessment regarding this function of the UN? Suggest some measures or a road-map for this purpose.
Under modern International law what meaning has been assigned to the term ‘High Sea’? Explain. Also discuss the scope of the concept of freedom of the High Sea with reference to legality of nuclear test in the areas of High Sea.

“In the ultimate analysis individuals alone are the subjects of International law.” Comment. Also discuss the Transformation theory in the context of the relation between International law and Municipal law.