

48 – CS/11
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 **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) :
 - (a) "Preamble must be considered as a guiding force to interpret the Constitution." Elucidate.
20
 - (b) "..... fundamental rights themselves have no fixed content, most of them are empty vessels into which each generation must pour

- its content in the light of its experience. The attempt of the court should be to expand the reach and ambit of the fundamental rights by process of judicial interpretation. The Constitution is required to be kept young, energetic and alive." Comment. 20
- (c) "Article 14 of the Constitution prohibits class legislation but permits reasonable classification." Explain. 20
- (d) Is the Parliament having power to legislate with respect to matters contained in the State List ? Explain. 20
2. (a) Examine the scope of 'Personal Liberty' in the light of judicial pronouncements of apex court. 30
- (b) Write a note on writ of Habeas Corpus. 30
3. (a) 'The recent developments have made it clear that the recommendation of the collegium headed by the Chief Justice of India has primacy in the matter of appointment of Judges of High Court.' Discuss. 30

(b) Discuss the 'Advisory Jurisdiction' of the Supreme Court. Is the advisory opinion of the Supreme Court binding on the President ?

30

4. (a) Explain the grounds and power of the President for issuing proclamation of emergency under Article 352 of the Constitution. 30

(b) "The President represents the nation but does not rule the nation. His place in the administration is that of ceremonial device on a seal by which the nation's decisions are made known." Elucidate the above observation in the light of constitutional provisions. 30

SECTION – B

5. Answer any three of the following (each answer should be in about 200 words): 20×3 = 60

(a) "International Law is merely positive morality"
— Critically examine this statement.

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(3)

(Turn over)

- (b) Discuss the theories that explain the relationship between International Law and Municipal Law.
- (c) Define Nationality and explain how Nationality can be acquired and lost.
- (d) Explain the different kinds of States Succession.
6. (a) Describe the different kinds of treaties. Explain the rules of International Law concerning the formation and termination of treaties. 30
- (b) Evaluate the role of Security Council in preserving International Peace and Security. 30
7. (a) Discuss the importance of the Universal Declaration of Human Rights which is considered as a basic Charter of Human Rights. 30
- (b) What is recognition of State ? With the help

of decided cases, discuss the legal consequences of recognition. 30

8. (a) Examine the role of International Commission on Human Rights in the enforcement of Human Rights. 30

(b) Discuss the fundamental principles of New International Economic Order. 30

