

CSM—42/22

LAW

PAPER—I

**Candidate
must not
write on
this margin.**

Time : 3 Hours

Full Marks : 250

*The figures in the right-hand margin indicate marks.
Candidates should attempt **any 10 (ten)** questions of
GROUP—A with word limit of 250 words and should
attempt **any 5 (five)** questions from **GROUP—B**
with word limit of 300 words.*

GROUP—A

Answer **any 10 (ten)** out of the following questions. Each question carries **15** marks. The word limit is 250 words : 15×10=150

1. "Fundamental Rights are most essential for attainment by the individual of his full intellectual, moral and spiritual stature." In this context, discuss against whom can fundamental rights be claimed? Explain the meaning of the term 'State' in part III of the Constitution of India in light of case laws.
2. Elucidate the significance of the Preamble of the Constitution of India. Can the Preamble be amended?
3. "A declaration of Fundamental Rights is meaningless unless there is an effective judicial remedy for their enforcement." What are the judicial remedies provided in the Constitution of India for the enforcement of Fundamental Rights? Differentiate between 'Prohibition' and *Certiorari*.
4. What is the meaning of 'failure of constitutional machinery in a State'? To what extent has the Supreme Court put a check on motivated and arbitrary dismissal of State Governments by the Centre under Article 356?
5. Discuss the basis and test of reasonable classification under Article 14 of the Constitution of India. Does enactment of a law applicable to a single individual violate the right to equality as enshrined under the Constitution?

6. What constitutional safeguards are available to 'civil servants' under the Constitution of India? Explain the requirement of 'reasonable opportunity of being heard' prescribed under Article 311(2) of the Constitution? Can such an opportunity be dispensed with?
7. Discuss the limits of the amending power of the Parliament. Can the Parliament amend Fundamental Rights?
8. Discuss in brief, the legislative relation between Centre and State. When and in what circumstances can the Parliament legislate on subjects enumerated in the State list?
9. Discuss the powers of the Governor of a State. What are the discretionary powers of the Governor of a State?
10. "While certainty of law is important in India, it cannot be at the cost of justice." In the light of this statement, explain 'Curative Petition'. What are the essential requirements and procedure involved in a curative petition? Discuss with the help of relevant case laws.
11. Distinguish between the Fundamental Rights and the Directive Principles of State Policy in the Constitution of India. Are they both inconsistent with each other? Discuss in the light of judicial decisions.
12. Explain the meaning of the expression 'personal liberty' in Article 21 of the Constitution of India as interpreted by the Supreme Court. Discuss the legal development on Article 21 with reference to *A. K. Gopalan vs. State of Madras* and *Maneka Gandhi vs. Union of India*.

**Candidate
must not
write on
this margin.**

GROUP—B

Answer **any 5 (five)** out of the following questions. Each question carries **20** marks. The word limit is **300** words : 20×5=100

13. What are Human Rights? In this context, emphasize the significance of the Universal Declaration of Human Rights.
14. What are the functions of the Security Council of United Nations Organization? Discuss the 'veto power' granted to its permanent members.
15. What is the importance of treaty under international law? Explain the various steps in conclusion of an international treaty.

16. Explain the relationship between international law and municipal laws. How has this relationship impacted the domestic legal framework?
17. What do you understand by 'recognition of State' under international law? Can such recognition be withdrawn?
18. Who are the subjects under international law? Explain the status of 'individuals' under international law.

**Candidate
must not
write on
this margin.**

★ ★ ★