विधि / LAW
प्रश्न-पत्र I / Paper I

निर्धारित समय : तीन घंटे
Time Allowed : Three Hours

अधिकतम अंक : 250
Maximum Marks : 250

प्रश्न-पत्र सम्बन्धी विशेष अनुदेश
कृपया प्रश्नों के उत्तर देने से पूर्व निम्नलिखित प्रत्येक अनुदेश को ध्यानपूर्वक पढ़ें :
इसमें आठ प्रश्न हैं जो दो खण्डों में विभाजित हैं तथा हिन्दी और अंग्रेजी दोनों में छपे हुए हैं ।
परीक्षार्थी को कुल पाँच प्रश्नों के उत्तर देने हैं ।
प्रश्न संख्या 1 और 5 अनिवार्य हैं तथा बाकी प्रश्नों में से प्रत्येक खण्ड से कम-से-कम एक प्रश्न चुनकर किन्हीं तीन प्रश्नों के उत्तर
dीविजित ।
प्रत्येक प्रश्न/भाग के अंक उसके सामने दिये गए हैं ।
प्रश्नों के उत्तर उसी प्राधिकृत माध्यम में लिखे जाने चाहिए जिसका उद्देश्य आपके प्रश्न-पत्र में किया गया है, और इस माध्यम का स्पष्ट उद्देश्य प्रश्न-सह-उत्तर (कृपया सी.ए.) पुस्तिका के मुख-पृष्ठ पर निर्दिष्ट स्थान पर किया जाना चाहिए ।
प्राधिकृत माध्यम के अतिरिक्त अन्य किसी माध्यम में लिखे गए उत्तर पर कोई अंक नहीं मिलेगे ।
प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए ।
प्रश्नों के उत्तर की गणना क्रमांकनार की जाएगी । यदि काटा नहीं हो, तो प्रश्न के उत्तर की गणना की जाएगी तथा उस अंश के दिया गया हो । प्रश्न-सह-उत्तर पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए ।

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, any THREE are to be attempted choosing at least ONE question 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

Answer the following questions in about 150 words each:

(a) Discuss the doctrine of ‘Pith and Substance’ relating to the distribution of legislative powers between the Centre and the States with the help of the landmark judicial decisions.

"The purpose of the office of the 'Lokpal' is not to adjudicate, but to provide regular machinery for investigating grievances against the administration in a discrete and informal manner." Critically examine this statement by providing proper justification of the office of the 'Lokpal' in India.

(c) "Audi alteram partem', rule is a very flexible, malleable and adaptable concept of natural justice to adjust the need for speed and obligation to act fairly.” Examine the statement with the help of decided case-law.

(d) "The issue of Parliamentary-privileges has been a bone of contention and conflict between the Parliament and the Judiciary.” Analyse this statement in the backdrop of decided cases.

(e) "Right to Privacy is protected as an intrinsic part of life and personal liberty enshrined under Article 21 of the Constitution of India.” Elucidate this statement in the light of the decision of Justice K.S. Puttaswamy (Retd.) v. Union of India.
(i) "Praashasnik Adhikaran Adhiniyam ke anuttat sthapit prashaasnik Adhikaran ke vishesh utthakh ke saath bharti m abhash karayen ke visar vak saabhiyata dijiye.

(ii) "Bharti me panchayati raj pranali ko punrujyiti karana sthirtyakika pr kararthi karo kum kare ke sahayyak ke rup m hai" titiyyi kijayi.

Give an overview of the growth of the Tribunals in India with special reference to Administrative Tribunals established under the Administrative Tribunal Act.

"Revival of the Panchayati Raj system in India is an aid to reduce the workload on the Judiciary." Comment.

"Sansad ki sahitya ka sanshodhan karhe ne ki shakti bhadra hai, parantu asishmita nahi hai!" kya apa as kash nayi se sahitya hai? vibhchen kijayi ki kya adharik sansadan ke sindhavata ne sansad in nayakik punarvlokan ki shakti ko prabhati kiyi hai agraaha nahi?

"Power of the Parliament to amend the Constitution is wide, but not unlimited." Do you agree with this statement? Discuss whether the doctrine of basic structure has reinforced the power of judicial review under the Constitution.

Bharti ke sahitya ke anuchhed 226 ke tahat utch nayakalikin ki shaktian ki vrikshata ki paharan kijayi aur iska anuchhed 32 ke tahat utchtan nayakalikin ki shaktian se vibhed kijayi.

Examine the nature of the powers of the High Courts under Article 226 of the Constitution of India and distinguish it from the powers of the Supreme Court under Article 32.

Q3. (a) Praashan ke pratyayojit sahitya ki shakti pradana karte hain, sambhyakari adhiniyam me anumaran kiyi jaane wale prakriyaa saamandhi shikshanvaan ko viniyog kiyi hain.

Adhiniyam me adhikshayi abhavirtaan ke anumaran ke viksaam hote hain? viniyog vyakti ke sahayyata se vibhchen kijayi.

While conferring the power of delegated legislation on the administration, the enabling Act may specify the procedural safeguards to be followed in the exercise of the power. What are the consequences of non-compliance with the requirements as laid down in the Act? Discuss with the help of decided cases.

(b) "Bharti ka nirbunchh aayog bharti me nirbunchh prakriyaa ke prashaasnak ke liye uttaradhyee ek swastyakshaar sahityadhar prashaanik prashaanik hai." Bharti ke nirbunchh aayogin ki shaktian aur prakarvan ki vyaksha karthe hain, titiyyi kijayi.

"The Election Commission of India is an autonomous constitutional authority responsible for administering the election process in India." Comment by explaining the powers and functions of the Election Commission of India.
(c) “इंडिया अर्थात ‘भारत’, राज्यों का संघ होगा।” व्याख्या कीजिए। क्या आपके विचार में भारतीय संविधान एक परिसंघीय संविधान है? विनिर्धारित वादों की सहायता से विवेचना कीजिए।

“India that is ‘Bharat’, shall be a Union of States.” Explain. Do you think that the Indian Constitution is a Federal Constitution? Discuss with the help of decided cases.

(30) ‘विधि-शासन’ से आपका क्या अभिप्राय है? विधि-शासन के डायरेक्ट के सिद्धांत का आधारित तत्त्व यह है कि ‘आप कितने भी उच्च हों, विधि आपसे भी ऊपर है’। विनिर्धारित वादों की सहायता से इसकी विवेचना कीजिए।

What do you mean by the term ‘Rule of Law’? The basic element of Dicey’s doctrine of the rule of law is, ‘be you ever so high, the law is above you’. Discuss with the help of decided cases.

(30) राष्ट्रपति की अध्यादेश जारी करने की शक्ति की विवेचना कीजिए। क्या अध्यादेश की विधिमान्यता को न्यायालय में चुनौती दी जा सकती है? सुनस्त वाद-विधि को उद्धृत कीजिए।

Discuss the Ordinance making power of the President. Can the validity of an Ordinance be challenged in the Court of Law? Cite relevant case-law.

सिम्प्लिफिकेट कथनों का परीक्षण और व्याख्या कीजिए:

(i) लोक हित मुकुदम्बेवाजी न्यायपालिका की राजनीति को बढ़ावा देने का एक साधन है।
(ii) न्यायिक संक्रिया के न्यायपालिका पर सकारात्मक एवं नकारात्मक दोनों प्रभाव होते हैं।

Examine and explain the following statements:

(i) Public Interest Litigation is a tool to promote politics of the Judiciary.
(ii) Judicial Activism has both positive and negative impact on the Judiciary.
SECTION B

Q5. Answer the following questions in about 150 words each: 10x5=50

(a) "International Law is the vanishing point of Jurisprudence." Explain.

(b) What do you mean by State-Recognition? What are the legal effects of recognition? Differentiate between de-facto and de-jure recognition.

(c) What are the rules of International Law governing the lawful use of force by the States in the exercise of their inherent right of self-defence?

(d) What is the difference between International Humanitarian Law and International Human Rights Law?

(e) Discuss in brief, the various modes of peaceful settlement of international disputes. Do you think that these modes of settlement are effective or is any other mode required in the present scenario?

Q6. What are the various theories prevalent for deciding the relationship between International Law and Domestic Law? How do the National Courts in India apply the International Law?
Q7. (a) What do you understand by territorial jurisdiction of States? Do you agree with the view that Right to Seek Asylum is firmly established under International Human Rights Law? If so, substantiate your answer with reasons.

(b) Examine the extent and limits to which a treaty can confer rights and impose obligations on the third State which is not party to the treaty.

(c) "United Nations is designated as the foremost forum to address the issues that transcend the national boundaries, which cannot be resolved by a country alone." In the light of this statement, discuss the functions of the General Assembly.
Write critical notes on the following:

(i) International efforts towards protection and improvement of human environment

(ii) State-sponsored terrorism

Discuss the main provisions of the Comprehensive Nuclear Test Ban Treaty (CTBT). Also explain the reasons why India has not signed this treaty.

Explain the historical evolution, objectives and main principles of the General Agreement on Tariffs and Trade (GATT).