

CSM – 48/18
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 in about **200** words each : 20×3 = 60
 - (a) "The Preamble is the key to open the mind of the maker of the Constitution." Comment and refer case law.
 - (b) Explain the new Judicial trend in interpreting the fundamental rights after the decision of Maneka Gandhi Vs. Union of India.

- (c) What is the difference among Expression, 'Equality before the law' and 'Equal protection of laws' ? Elucidate and refer case laws ?
- (d) Write a short note on 'Freedom of speech and expression' enshrined under Indian Constitution. What are the grounds on which restriction may be imposed on it ?
2. (a) 'Right to life' does not include 'right to die'. Explain in the light of decisions of Supreme Court. 30
- (b) What are the various writs provided under the Indian Constitution ? Illustrate the significance of writ of Mandamus in present scenario. 30
3. (a) What was the role of National Judicial Commission in the appointments and transfer of judges ? Why was it struck down by the Supreme Court of India ? Discuss. 30
- (b) What is the position of the President under the Indian Constitution ? Is he bound by the advice of Council of Ministers ? Explain. 30

4. (a) When a National Emergency is declared by the President under Article 352 of the Constitution ? What will be the effect of such emergency ? 30
- (b) What do you mean by the term 'Basic Structure' ? Do you think that it is a limitation on the amending power of the Constitution ? 30

SECTION – B

5. Answer any **three** of the following in about **200** words each : $20 \times 3 = 60$
- (a) Write a note on the Universal Declaration of Human Rights.
- (b) Discuss the law relating to enforcement of intellectual property rights under TRIPS Agreement.
- (c) State, in brief, the powers and functions of the UN General Assembly.
- (d) Discuss the role of WTO in maintaining international economic order.

6. (a) Discuss the evolution and development of human rights at international as well as national level with special reference to India.

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- (b) Compare and contrast between international covenant on civil and political rights and international covenant on economic, social and cultural rights.

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7. (a) Discuss the law relating to formation and termination of a treaty.

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- (b) Explain the doctrine of "**Pacta Sunt Servanda**".

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8. (a) "International law is a true law" — Discuss.

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- (b) Critically discuss the Oppenheim's definition of International law.

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