

**C.S.E. LAW (MAIN) - 2005 C.S.E. (MAIN)  
LAW - 2005 PAPER - I**

*Time Allowed: Three Hours*

*Maximum Marks: 300*

**Candidates should attempt Questions 1 and 5 which are compulsory, and any. THREE of the remaining questions selecting at least ONE question from each Section.**

**The number of marks carried by each question is indicated at the end of the question.**

**SECTION-A**

1. Answer any three of the following (each answer should be in about 200 words)
  - (a) "Article 16(4) is by itself a rule of equality rather than an exception to the rule." What is your view? Discuss with the help of case-law. 20
  - (b) "The fundamental right to freedom of speech and expression has in recent times seen expanding horizons." Discuss and point out the judicial approach in this regard. 20
  - (c) "The constitutional scheme of the distribution of legislative powers weights heavily in favour of the Union Parliament." Elucidate with the help of constitutional provisions and judicial decisions. 20
  - (d) "The Indian federal structure has brought in some novel provisions which are not to be found in other federations." Critically discuss. 20
2. (a) " All these years Article 368 has seen a tug of w Ir between the constituent power and power of judicial review." Comment on and narrate this development in detail. 30
- (b) Discuss the scope of the Original and Advisory Jurisdictions of the Supreme Court of India. Also give in brief your response to the view that the Advisory Jurisdiction to be abolished. 30
3. (a) "Secularism is neither anti-God nor pro-God. It eliminates God from the matters of State and ensures that no one shall be discriminated on the grounds of religion." In the light of the above observation discuss the true import of freedom of religion guaranteed under the Indian Constitution. 30
- (b) Is the President of India a mere constitutional head? Is he bound to accept the advice of the Council of Ministers? Discuss fully stating constitutional provisions. 30
4. (a) Examine the scope of Proclamation of Emergency by the President of India and enumerate the safeguards introduced by constitutional amendments to present abuse of these powers. 30
- (b) "Bias vitiates all judicial and quasi-judicial proceedings." Comment on this statement and give two examples to illustrate the principle. 30

**SECTION-B**

5. Answer any three of the following (each answer should be in about 200 words):
  - (a) "Aut dedere aut judicare obligation is a common feature of the recent anti-terrorism conventions." In the light of I this statement explain the rules of International law pertaining to extradition of terrorists. 20
  - (b) "The authors of the United Nations Charter were the first to regard respect for human rights as an instrument of peace." Explain the above statement in the

- light of the provisions of the U.N. Charter relating to the C.S.E. LAW promotion of human rights. 20
- (c) Define intervention and state the grounds under which it is justified under International Law. 20
- (d) In what circumstances may the use of force be legal under the United Nations Charter? Critically comment. 20
6. (a) What are the conditions for granting asylum in a diplomatic embassy? When is this asylum regarded irregular? Explain with illustrations. 30
- (b) Write a critical note on the provisions of the Vienna Convention on the Law of Treaties, relating to the grounds of invalidity, termination and suspension of the operation of treaties. 30
7. (a) Discuss the provisions relating to the exercise of control by a coastal state over the artificial islands, installations and structures constructed by it in the Exclusive Economic Zone and the conservation and utilization of living resources therein. 30
- (b) The 1972 Stockholm "Declaration on Human Environment" and "Action Plan on Human Environment" create a new relationship of rights and obligations between developed and developing countries. Explain. 30
8. (a) Critically examine the provisions of the United Nations Charter which enables the United Nations to perform its primary role of peace-keeping. Does the Charter require any reform in this respect? 30
- (b) What do you understand by state succession? To what extent does succession take place to (a) the treaty rights and obligations, and (b) contractual obligations of the extinct state? Explain. 30

**PAPER - II - 2005**

*Time Allowed: Three Hours*

*Maximum Marks: 300*

**Candidates should attempt Questions 1 and 5 which are compulsory, and any THREE of the remaining questions selecting at least ONE question from each Section.**

**All questions carry equal marks**

**SECTION-A**

1. Answer any three of the following (answer to each question 'must not exceed 200 words). Support your answer with legal provisions and decided cases: 20x3=60
- (a) Under what conditions may the defence of insanity be pleaded on behalf of an accused?
- (b) Discuss, "attempt to commit suicide," referring to the decisions of the Supreme Court on the Constitutional validity of Section 309 of the Indian Penal Code.
- (c) What is meant by 'innuendo'? What are the facts, the Plaintiff must prove or establish in order to sustain a plea of innuendo?
- (d) Which one of the following two expressions is correct any why? 'Law of Torst' or 'Law of Tort'.
2. (a) Discuss the importance of mens rea in criminal law. Also explain the role of mens rea in statutory offences with the help of relevant case law. 30

- (b) X strikes Y with a stick. Y is by this provocation excited to violent rage. Z, a bystander intending to take advantage of Y's rage and to cause him kill X, puts a knife into Y's hand for that purpose. Y kills X with that knife.  
What offence is committed by Y and Z ? Explain and discuss with reasons.
3. (a) The liability of joint tort-feasors is 'joint and several' In the light of this statement discuss who are joint tort-feasors and their liability with the help of illustrations and case law. 30
- (b) "In tort of malicious prosecution the plaintiff must prove among other things, that the defendant was the person who was actively instrumental in putting the law in force." Discuss. 30
4. (a) When is a public servants said to have committed an offence of criminal misconduct as defined in the Prevention of Corruption Act, 1988? Discuss referring to some decided cases. 30
- (b) "The evil of dowry system has been a matter of serious concern to everyone in view of its ever increasing and disturbing proportion." Discuss and critically analyse whether the Dowry Prohibition Act, 1961 can cope with this social menace. 30

#### SECTION-B

5. Answer any three of the following (answer to each question must not exceed 200 words each) : 20 x 3 = 60
- (a) "All contracts are agreements but all agreements are not contracts." Explain.
- (b) "A contracts without consideration is void but there are some contracts, which even though made without consideration, are valid." Discuss.
- (c) "Enumerate and explain briefly those relations in the Indian Contract Act which resemble those created by a contract.
- (d) "The authority of an agent means his capacity to bind the principal." Discuss.
6. (a) "The Indian Partnership Act has effectively ensured the registration of firms without making it compulsory." Comment. 30
- (b) A, B, C and D are partners in a firm which has not been registered. A is wrongfully expelled from the firm by the other partners. Can he successfully bring a suit' against the other partners for damages for wrongful expulsion and declaration that he continues to be a member of the firm? What remedies if any are open to A? 30
7. (a) Define and distinguish between a 'Condition' and a 'Warranty'. Under what circumstances can a breach of condition be treated as a breach of warranty? 30
- (b) A sells his motor car to B, one cylinder of which is slightly cracked to A's knowledge. B examined the car but failed to detect the defect at the time of purchasing the car. Later on, the defect comes to the knowledge of B. Can he rescind the sale and get back the price paid by him? 30
8. (a) "In most cases reference to arbitration shuts out the jurisdiction of the courts, except as provided in the Act, and since criminal courts cannot be deprived of their jurisdiction to try criminals, no criminal matter can be referred to arbitration." Comment 30
- (b) "In any event, adaptability and access to expertise are hallmarks of arbitration." Discuss the advantages of arbitration over litigation. 30