

PARLIAMENT OF INDIA
(JOINT RECRUITMENT CELL)

**MAIN EXAMINATION FOR POSTS OF EXECUTIVE/LEGISLATIVE/COMMITTEE/PROTOCOL OFFICER
RESEARCH/REFERENCE OFFICER IN LOK SABHA SECRETARIAT**

3rd SEPTEMBER, 2010

LAW - Paper-I

INSTRUCTIONS : Answers must be written in English only. Candidates should attempt at least 2 questions from each section and total 5 questions.

Time: 3 hours

Marks: 300

SECTION - A

1. (a) 'Equality before law' is not an abstract concept but is life blood of a democratic State. Discuss critically. (30 Marks)
(b) 'Voidness for purposes of Art. 13 (1) of Indian Constitution is not voidness in rem'. Discuss this statement. (30 Marks)
2. (a) Critically examine the nature of Indian Constitution. Refer to Supreme Court decisions. (30 Marks)
(b) Examine the Supreme Court's approach on relationship between Fundamental Rights and Directive Principles of State Policy. (30 Marks)
3. (a) The position of President of India is akin to that of Crown of England. Discuss critically. (30 Marks)
(b) The laws put in IXth Schedule of the Constitution can also be challenged on the grounds that they are violative of Basic features of Indian Constitution. Discuss. Can Fundamental Rights also form part of Basic features? (30 Marks)
4. (a) Elaborate upon the phrase (in consultation with Chief Justice of India) in context of appointment of Judges of High Courts. Discuss. Discuss also whether an additional judge needs any action from collegium of Supreme Court at the time of confirmation as a permanent judge of High Court. (30 Marks)
(b) Discuss the supervisory role of High Courts over other subordinate courts in their territory. (15 Marks)
(c) Write a brief explanatory essay on writ jurisdiction of Supreme Court. (15 Marks)
5. (a) How far do you agree that there is a legal distinction between 'due process of law' and 'procedure established by law'. Refer to Supreme Court's approach to the 'procedure' established by law. (30 Marks)
(b) What do you understand by repugnancy? Explain Supreme Court's opinion on repugnancy between a Union Law and a State law. (20 Marks)
(c) Explain the doctrine of 'territorial nexus'. (10 Marks)

SECTION - B

6. (a) Explain critically the precise nature and basis of international law. (30 Marks)
(b) Write a critical essay on 'Sanctions' of international law. (15 Marks)
(c) Explain the importance of 'international conventions' as a source of international law. (15 Marks)
7. (a) Write a critical appraisal of the theories of recognition. (20 Marks)
(b) Explain the relationship between Treaty Law and Domestic National Law. Refer to

8. (a) Explain the extent to which UN Charter has codified all the laws relating to self-defence. Refer to Nicaragua opinion in this regard. (20 Marks)
- (b) Explain the grounds on which a State can legitimately intervene in other State's internal affairs. (20 Marks)
- (c) Enunciate the powers of, and the procedure through which Security Council can authorize use of force under Chapter VII of UN Charter. (20 Marks)

9. (a) Explain the structure and powers of WTO 1995. In what way is WTO 1995 different from GATT 1948. (30 Marks)
- (b) Explain the impact of (TRIPs) Agreement on the Indian Patent regime. (20 Marks)
- (c) Explain the rationale and working of MFN clause of GATT 1994. (10 Marks)

10. (a) What are the grounds on which a treaty gets terminated? (15 Marks)
- (b) Distinguish between continental shelf and exclusive economic zone. What are the rights of Coastal State *vis-a-vis* Exclusive Economic Zone? (25 Marks)
- (c) Write a brief essay on International Criminal Court. How far do you agree that Terrorism comes within the jurisdiction of International Criminal Court? (20 Marks)

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3rd SEPTEMBER, 2010

LAW - Paper-II

INSTRUCTIONS : Answers must be written in English only. Candidates should attempt at least 5 questions from each section and total 5 questions. All questions carry equal marks.

Time: 3 hours

Marks: 300

SECTION - A

- Q.1 (a) Explain '*mens rea*' as an element of criminal liability. Is '*mens rea*' relevant in crimes of strict liability? Discuss.
(b) "Rape is the most contemptuous act against society but penal provisions for this offence are not so stringent as ought to be". Would you like to suggest death penalty for committing rape? Give reasons.
- Q.2 (a) What is abetment? What are the various methods by which abetment is possible.
(b) Define and distinguish between kidnapping and abduction.
- Q.3 (a) Mr. 'X' published in his newspaper an account of an outrage on a woman alleged to have perpetrated by two constables within the jurisdiction of some Thana in which four constables were stationed. The charge was not made against any particular and identifiable constables. Was Mr. 'X' guilty of defamation?
(b) "The law of defamation under Indian Penal Code has been retained because criminal law alone can effectively deal with such law breakers." Explain with reference to statutory provisions and case law.
- Q. 4 (a) Discuss analytically the different forums of redressal available under Consumer Protection Act. Also mention about their success chart.
(b) Define and distinguish with illustration between public nuisance and private nuisance.
- Q. 5 (a) "Tortious liability arises from the breach of a duty primarily fixed by law; this duty is towards persons generally and its breach is redressible by an action for unliquidated damages." Explain in the context of nature and elements of tort.
(b) What are the essential conditions for the tort of malicious prosecution. Also distinguish between false imprisonment and malicious prosecution.

SECTION - B

- Q.6 (a) "A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a price." Elucidate. Also mention about the essential features of a 'sale'.
(b) "Delivery does not amount to acceptance of goods." Discuss when a buyer can be said to have accepted the goods.
- Q.7. (a) State the essential elements which are necessary for the constitution of a partnership. How would you distinguish a partnership from joint Hindu family business?
(b) What are the various modes of dissolution of a partnership firm?
- Q.8. (a) Enumerate the circumstances under which specific performance of a contract cannot be enforced.
(b) What are the liabilities of a surety under Indian Contract Act? When is the liability of a surety discharged?
- Q.9. The main object of passing Arbitration and Conciliation Act 1996 was to do away with the technicalities of courts and to have early settlement of cases. Often it is said that the purpose of the Act is being defeated. How would you react to this statement? Examine critically with