

IAS Mains Law Science 2005

Paper I

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. Answer the following questions

- a. "All these years Article 368 has seen a tug of war 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. Answer the following questions

- 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. Answer the following questions

- a. Examine the scope of Proclamation of Emergency by the President of India and enumerate the safeguards introduced by constitutional amendments to prevent 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 antiterrorism conventions." In the light of it 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. Answer the following questions

- 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. Answer the following questions

- 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. Answer the following questions

- 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 the treaty rights and obligations, and contractual obligations of the extinct state? Explain. 30