

IAS Mains Law Science 1990

Paper I

Section A

1. Answer any three of the following (each answer should be in about 200 words):
 - a. Fundamental Rights in India secure the minimum of peoples liberties which neither the State can take away nor a person can surrender. Discuss.
 - b. Is the principle of natural justice an essential precondition for all legal and administrative actions? Explain the position of this principle as it has emerged under the Constitution.
 - c. The essence of the power of judicial review is the maintenance of rule of law and constitutional supremacy in the State. Examine with reference to Indian experiences.
 - d. Examine the constitutional safeguards provided against misuse of imposition of Emergency under Article 352 of the Constitution.
2. Answer the following questions
 - a. Discuss the basic conditions for making constitutionally valid classifications under the doctrine of equality before law. Illustrate your answer particularly with reference to validity of such enactments which apply to an individual only.
 - b. Discuss the nature, scope and interpretation of equal pay for equal work principle under Article 39 (d) and the right to work under Article 41 of the Directive Principles of State Policy provided in Indian Constitution. Is it practicable to make them part of Fundamental Rights of people?
3. Discuss any three of the following making reference to decided cases:
 - a. Citizens right to show films on Television and Doordarshan.
 - b. Statutory regulation of educational standards and conditions of employment in minority educational institutions.
 - c. Warrant of arrest issued by the Speaker of the House of the People against an individual in order to face the charges of contempt of the House of the People.
 - d. A State law imposing tax on goods carried by all road transport companies using roads within the boundaries of the State.
4. Answer the following questions
 - a. The effective control of delegated legislation has been through judiciary and not through the legislature. Comment on the statement.
 - b. Evaluate the regulatory role of the Union Public Service Commission in the exercise of pleasure by President of India in making appointments, promotions and in termination of service of Civil Servants.

Section B

- a. The jurisdiction of International Court of Justice depends on the consent of States since international adjudication continues to be optional. Comment on the statement explaining the ways in which the consent of States may be taken to be expressed by the International Court of Justice.
- b. Discuss the position of apartheid in International Law. Have the rulers of Republic of South Africa committed any international crime in enforcing apartheid?
- c. A State is free to enact and enforce its own laws provided these laws are such that international obligations of the State are not violated. Discuss the proposition particularly with reference to Indian position.
- d. Can a war be legal under the Charter of. United Nations Organisation? Discuss.

6. Answer the following questions

- a. Recognition of a new State or Government is a precondition for claiming that the new State or Government has succeeded to the international rights and obligations of the extinct State or the changed Government. Explain the rule of International Law on this matter making reference to cases.
- b. Clarify the status of Antarctica Continent under contemporary International Law.

7. Answer the following questions

- a. X, a British merchant ship, and Y a French merchant ship, collide in high sea and X is sunk. When Y reaches a British port for leaving some survivors of X, the British Government detains the captains of the two ships and wants to prosecute them for negligent navigation. Examine the jurisdiction of British Courts in this case and the law applicable to the situation.
- b. State A has a constitutional dictatorship and a rebel group PF is fighting a regular war for ousting the dictator. Explain if and when State B can legally give military help to PE.
- c. A dissident political leader in a State C fears assassination by Government agents and seeks refuge in the embassy of State D. Explain the rights and duties of State D with regard to State C.

8. Answer the following questions

- a. Examine the efforts of international community since 1945 directed to make international conflicts less brutal both for civilians and armed forces. Refer to important conventions and the laws which have come into existence in this direction.
- b. Protection of rights of neutral States during a war are now illusory. Comment making reference to recent Iran-Iraq conflict.