

IAS Mains Law Science 1992

Paper I

Section A

1. Answer any three of the following (each answer should be in about 200 words):

- a. An authority is State with the meaning of Article 12 of the Constitution of India if it is an agency or instrumentality of State. How is it determined whether an authority is an agency or instrumentality of State or not?
- b. Arbitrariness is the very antithesis of equality. Discuss.
- c. In matters of larger public interest the requirement of locus standi has been liberally construed. Illustrate your answer with reference to decided cases.
- d. The Supreme Court has been assigned the role of a sentinel on the qui vive for the protection of the fundamental rights. Discuss.

2. Answer the following questions

- a. The reservation policy adopted in India in the last four decades has failed to promote social justice. On the contrary it has led to social friction, conflict and disharmony. It has been called a case of right goal, wrong strategy. Critically examine this statement and suggest measures to protect the interest of socially, educationally and economically backward classes of people.
- b. In exercise of powers conferred on him under paragraph 6 of the Tenth Schedule to the

Constitution, the Speaker of Lok Sabha gives his decision on, questions as to disqualification of some Members on ground of defection. The aggrieved members file a writ petition against the decision of the Speaker in the Supreme Court notwithstanding a Bar to jurisdiction of all

Courts under paragraph 7 of the said schedule. Decide.

3. Answer the following questions

- a. The right to freedom of religion has neither created a secular State in India nor promoted secular outlook in public life. Critically examine the above statement and suggest measures necessary to promote a secular social order in which secular State may grow.
- b. The power given to the Union Government to impose President's rule in the State is not consistent with the concept of federalism. Discuss the above statement and give your own suggestion to safeguard against the abuse of the said power.

4. Discuss any three of the following making reference to decided cases

- a. Amending power has been exclusively assigned to the Union Parliament except when the amendment involves amendment of the federal provisions.
- b. Parliament is the sole judge in matters involving parliamentary privileges and immunities except when it is the question concerning the personal liberty of a citizen.
- c. Doctrine of pleasure in relation to civil servants has been largely watered down by the specific constitutional safeguards guaranteed by the Constitution.

- d. Distribution of legislative powers between the Union and the States has been heavily tilted in favour of the Union by a liberal interpretation of the residuary power clause by the Supreme

Court.

Section B

5. Answer any three of the following (each answer should be in about 200 words):
- Declaration of the Rights of the child adopted by the General Assembly of the United Nations in 1959 has largely remained merely a declaration without any matching activity to improve the lot of the children. Discuss.
 - Since the law of nations primarily deals with the States, relations between States are the only subjects of International Law. Critically examine.
 - Common Consent of the family of nations is the basis of international law. Discuss.
 - Recognition of the State is not a legal but political action. Explain and illustrate.
6. Answer the following questions
- No State has a right to intervene directly or indirectly for any reason whatever in the internal or external affairs of another State. Define intervention and state various kinds of intervention. Explain in this context the term self-help and self-defence.
 - Define extradition. State the essential conditions for extradition. Explain the relationship of extradition with asylum. Can a country having extradition treaty with India refuse to surrender a terrorist charged of murder on the ground that it has granted him asylum?
7. Answer the following questions
- The principal object of international law has been to ensure peaceful settlement of international disputes. The United Nations has made special efforts to evolve mechanism to achieve this object. Explain how the system works and how far it has succeeded in its work.
 - Discuss the rules of International Law concerning State Responsibility in case of expropriation of foreign property situated within the expropriating State. Is the State responsible for the acts of its citizens?
8. Write short notes on any three of the following:
- Legal control of nuclear weapons.
 - Use of force when lawful?
 - How to ensure democracy in the Security Council?
 - India's record of enforcement of Human Rights.