

IAS Mains Law Science 1998

Paper I

Section A

1. Answer any three of the following (each answer should be in about 200 words):
 - a. Constitution of India is first and foremost a social document. Granville Austin. Explain.
 - b. Right to equality and protection to personal liberty are no longer mutually exclusive. Discuss.
 - c. Repromulgation of ordinances without placing them before the Legislative Assembly is a fraud on the Constitution. Discuss with reference to D C Wadhwas case.
 - d. What you cannot do directly, you cannot do indirectly. Discuss and comment on the theory of colourable legislation.
2. Answer the following questions
 - a. Directive Principles of state Policy have played a significant role in the interpretation of the Constitution. Explain and illustrate your answer.
 - b. State the scope of the Freedom of Trade and Commerce in India. When and in which circumstances may preference to one State be given over others?
3. Answer the following questions
 - a. Right not to be discriminated on the ground of sex and the need for empowerment of women by making special provision for them required the State to ensure that women have adequate representation in Parliament. Argue for and against the proposed constitutional amendment for the purpose.
 - b. Critically examine the existing scheme of Union and State relations in India. Comment upon the Sarkaria Commission Report in this connection and examine the property of the power of the Union Government to impose Presidents Rule in the States.
4. Answer any two of the following:
 - a. A body aged 16 was convicted and punished in 1957 to undergo rigorous punishment for six months. After his conviction the Probation of Offenders Act, 1958 was passed. In appeal he claims the protection of the Probation of Offenders Act, 1958. Decide
 - b. Section 7 of the Delhi Laws Act, 1912 empowered the Provincial Government to extend with such restrictions and modifications as it thinks fit to the province of Delhi or any part thereof, any enactment which is in force in any part of India on the date of such notification. A petition is filed in the Supreme Court contending that delegation of such legislative power is not constitutional. Decide.
 - c. The Government of India by an offence memorandum reserved 27% of posts for appointment under the State in favour of socially and educationally backward classes. A petition is filed in the Supreme Court challenging its validity on the ground that it could only be done by an Act of Parliament and not by an executive order. Decide.

Section B

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

- a. The United Nations is primarily an organization for maintaining peace and security. Discuss.
- b. Right to peace and right to development are not human rights in true sense. Discuss.
- c. Genocide, whether committed in time of peace or in time of war, is a crime under International Law. Explain.
- d. Everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality. Discuss.

6. Answer the following questions

- a. What do you understand by lawful use of force? Explain in this context aggression, selfdefence and intervention.
- b. Trace and development of international law relating to sovereignty over the air-space.

Explain the scope of legal control of use and abuse of outer space.

7. Answer the following questions

- a. The British ship Scotia collided in mind-ocean with the American ship Berkshire which was not carrying the rights required by the law. Decide the fault and liability under appropriate principles of international law.
- b. Rhodesia becomes independent by the unilateral Declaration of Independence. Examine the implications under relevant principles of international law.
- c. A group of people stages demonstration outside the Embassy of a foreign country in New

Delhi. Shots were fired from inside the Embassy killing a Police Officer on duty outside to control the demonstrators. The Government of India requests the Foreign State to recall the staff responsible for shooting. Decide.

8. Write short notes on any three of the following:

- a. Peaceful settlement of international disputes.
- b. Legality of the use of nuclear weapons
- c. Asylum
- d. World Trade Organization.