

IAS Mains Law Science 2006

Paper I

Section A

1. Answer any THREE of the following (each answer should be in about 200 words):
 - a. In fact, equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Elucidate with the help of constitutional provisions & judicial decisions (20).
 - b. Fundamental duties are only ethical and moral duties and should not form a part of the fundamental law. Comment (20).
 - c. The issue of parliamentary privileges has been bone of contention and conflict between the Parliament and Judiciary. Critically examine in the light of the decided cases (20).
 - d. The concept of natural justice is elastic and is not susceptible to precise definition. Do you agree with this statement? Explain the concept of natural justice with the help of case-law (20).
2. Answer the following questions
 - a. Directive principles of state policy are not enforceable in the Court of Law but, nevertheless, they are fundamental in the governance of the country. Discuss this statement with the help of decided cases (30).
 - b. Collective responsibility is the very basis of the Parliamentary system of government. Do you agree with this statement? What has been the impact of coalition politics on the doctrine of collective responsibility (30)?
3. Answer the following questions
 - a. The Constitution has imposed an obligation on the Union to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution. In order to enable the Union to carry out this obligation the Constitution has conferred adequate powers on it. Elucidate. Also discuss the safeguards against misuse of Article 356 (30).
 - b. What Constitutional safeguards are available to civil servants under the Constitution of India?

Explain the circumstances under which a civil servant can be dismissed from service without holding a regular inquiry against him (30).

4. Answer the following questions
 - a. Essential legislative functions cannot be delegated. Explain with the help of case-law. Also discuss the technique and utility of legislative control of delegated legislation (30).
 - b. How far the Governor of a State is bound to act with the advice of his Ministers? What functions are required by the Constitution to be exercised in his discretion (30)?

Section B

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

- a. Do you agree with the view that International Law is merely a positive morality? Discuss the nature of International Law (20).
- b. Asylum ends where extradition begins. Explain fully (20).
- c. In the eyes of International Law treaties are meant to be kept. Their obligation is perpetual. Comment (20).
- d. A State is, and becomes, an international person through recognition only and exclusively.

Discuss. Is there any duty under International Law to recognise a State (20)?

6. Answer the following questions

- a. The establishment of compulsory jurisdiction of the International Court of Justice is essential for the maintenance of international peace and security. Comment. Why are countries generally reluctant to accept the compulsory jurisdiction of the court (30)?
- b. Discuss the basis of State jurisdiction. What are the exemptions to the territorial jurisdiction of a State (30)?

7. Answer the following questions

- a. Arbitration is the most efficacious mode of settlement of international disputes. Elucidate. Discuss the advantages and disadvantages of arbitration as a method of settling international disputes (30).
- b. What is the role of the United Nations in the promotion and protection of Human Rights?

How far the Universal Declaration of Human Rights has been successful in creating a human rights culture (30)?

8. Answer the following questions

- a. WTO aims at progressive liberalisation of world trade in goods and services and protection of intellectual property rights. Explain. How WTO is a facility extending the institutional structure of GATT (30)?
- b. Discuss the legality of the use of nuclear weapons in International Law (30).