

IAS Mains Law Science 1991

Paper I

Section A

1. Answer any three of the following (each answer should be in about 200 words):
 - a. Have the Emergency Provisions in effect maintained a unitary constitution for India? Give your assessment.
 - b. Constitution of India accepts secularism but there is no rigid separation between state and freedom of religion given-to the individual. Critically examine the constitutional provisions.
 - c. The Supremacy of Constitution in Indian legal system in reality means primacy of judiciary over other organs of Government Discuss.
 - d. Delegation of legislative powers becomes unconstitutional when there is excessive delegation. Explain the statement and examine the limits of valid delegation of legislative powers in India.
2. Answer the following questions
 - a. Right to equality is available only against state actions and arbitrariness but since the right to equality has very wide application, there has been steady enlargement of the scope of state for the benefit of people. Discuss
 - b. X is suffering from kidney failure and doctors advise that by frequent dialysis he can remain alive for some years. Dialysis of blood is a very costly treatment, X has some property but he wants this property to be used by his wife and children. Can X refuse this treatment? Discuss the constitutionality of the rights to life and to die.
3. Answer the following questions
 - a. Are the principles of natural justice embodied rules of the Constitution of India having the characteristics of due process of law and possessing the importance of fundamental rights? Discuss how the Supreme Court has answered this question and how it has in Tulsi Ram Patel Case defined the nature and scope of natural justice.
 - b. Is the power of amendment implicit in the Constitution of India and is it wide enough to replace the present constitution by a new one without the need of revolution or referendum?

Discuss by making reference to Keshwanand Bharti Case doctrines.
4. Examine the constitutionality of any two of the following:
 - a. A highly controversial bill which has attracted public debate is under consideration in the Legislative Assembly of a State and it is to be passed on a particular day. A minister who is actively supporting the bill is stopped on the road while proceeding to attend the meeting of the Legislative Assembly. A young man who disapproves the bill scolds the minister for the bill and throws a shoe on him. Can the Legislative Assembly punish the young man for the con-tempt of the House?
 - b. A new colony is developed near in Jam temple which is more than 15 km away from a city and there is no temple for worship in the Colony. The people make a demand for

management of the temple. The people file a writ against the temple under Article 226 for the protection of their freedom of religion under Article 25 of the Constitution. Decide.

- c. A public officer B is charged for corruption and after a departmental inquiry he is dismissed from service. Subsequently he is prosecuted under criminal law for taking bribery and other offences for which he was dismissed from service. Is this prosecution before criminal court a violation of his constitutional rights?

Section B

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

- a. The principle of self-determination continues to be the dominant part of the concept of human rights in International Law but it cannot eclipse sovereign identity of a state. Discuss with reference to contemporary international situations.
- b. Present thinking is that whatever be the nature of war it is not a licence to destroy natural resources necessary for mankind or for ecological balance. Elucidate the developments in International Law on this aspect
- c. Those who commit offences of hi-jacking and terrorism must always be punished. Critically examine how far International Conventions achieve this principle in practice.
- d. The theory of territoriality for application of criminal law is not an absolute principle of

International Law and this by no means coincides with territorial sovereignty. Explain with help of practices of states.

6. Answer the following questions

- a. Examine the concept of sovereign state in International Law. What duties are imposed on a state in respect of treatment of aliens?
- b. The states have complete legal jurisdiction in airspace over their territory but airspace is limited. Explain the position.

7. Answer the following questions

- a. Examine the developments in International Law on the status and protection of refugees. How is it that Vietnamese refugees are being forcibly repatriated from Hong Kong against their wishes? Explain if violation of human rights is involved.
- b. Write a critical note on the principle of the United Nations Organisation that it shall not intervene in matters which are essentially within domestic jurisdiction of any state

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

- a. Territorial waters and land-locked states
- b. Succession of contractual obligations of extinct state
- c. Liabilities of individual for war crimes
- d. Enforcement actions by Security Council against aggression by a state.