

# IAS Mains Law Science 2003

## Paper I

### Section A

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

- a. Preventive Detention is the only exception carved out to the generally accepted proposition that no person shall be deprived of his personal liberty except in accordance with the procedure established by law. Discuss the safeguards evolved by the Judiciary for the protection of personal liberty of a person detained under the law of Preventive Detention (20).
- b. While the implementation of the Directive Principles of the State Policy is a pre-condition for the enjoyment of Fundamental Rights the destruction of the Fundamental Rights will frustrate the realisation of the Directive Principles. Discuss (20).
- c. One has to turn to the privileges of the House of Commons to ascertain the Parliamentary privileges in India. How far is this statement still correct? Discuss (20).
- d. One of the methods of control over the exercise of power of delegated legislation is legislative overseeing of delegated legislation. Discuss. Highlight the legislative control over delegated legislation (20).

2. Answer the following questions

- a. Explain the provisions made in the constitution of India for smooth administrative relationship between the Union and the States (30).
- b. Article 136 does not confer a right of appeal on a party as such but it confers a wide discretionary power on the Supreme Court to grant Special Leave to Appeal in suitable cases.

Discuss (30).

3. Answer the following questions

- a. Briefly explain the principles of interpretation which have been upheld in ascertaining the respective jurisdictions of Parliament and the State Legislatures set out in Article 246 of the Constitution of India (30).
- b. Discuss the constitutional safeguards in respect of dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or the State. Do these safeguards override the Doctrine of Pleasure embodied in the Constitution (30)?

4. Answer the following questions

- a. Critically examine the decisions of the Supreme Court from *AK. Gopalan* to *Maneka Gandhi* cases with special reference to procedure established by law (30).
- b. The powers under Article 226 confer a discretion of the most extensive nature on the High

Courts. But the very vastness of the powers conferred on the High Court imposes on it the responsibility to use them with circumspection. Discuss briefly the principles which would regulate the exercise of the jurisdiction under Article 226 (30).

## Section B

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

- a. Discuss the position of individual in international law (20).
- b. Explain Recognition of a State and Recognition of a Government (20).
- c. The term general principles of law recognised by civilized nation is very wide and vague. Comment in the context of Article 38 (i) (c) of the Statute of the ICJ (20).
- d. The relationship between International Law and Municipal Law is one of co-ordination and interdependence. Discuss (20).

6. Answer the following questions

- a. The principle Pacta sunt servanda has long been recognised as a fundamental principle of International Law, which makes the treaty binding upon the parties to it, and must be performed by them in good faith (Vienna Convention). Explain (30).
- b. Explain the juridical basis of claim of a coastal state over the continental shelf in the light of

North Sea Continental shelf cases decision (30).

7. Answer the following questions

- a. Discuss the concept of sustainable development highlighting contents of the Rio Declaration [UNCED] relating to protection of human environment (30).
- b. Comment on the Legality of use or threat of atomic and nuclear weapons (30).

8. Write explanatory notes on the following:

- i. Self-defence (20)
- ii. State sponsored terrorism (20)
- iii. WTO and TRIPS (20)