Civil Services (Main) Examination, 2004

LAW
(Paper I)

Time Allowed : Three Hours **Maximum Marks : 300**

QUESTION PAPER SPECIFIC INSTRUCTIONS

(Please read each of the following instructions carefully before attempting questions)

There are EIGHT questions divided in two Sections.
Candidate has to attempt FIVE questions in all.
Question Nos. 1 and 5 are compulsory and out of the remaining, any THREE are to be attempted choosing at least ONE question from each Section.
The number of marks carried by a question/part is indicated against it.
Wherever any assumptions are made for answering a question, they must be clearly indicated.
Word limit in questions, wherever specified, should be adhered to.

SECTION 'A'

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

(a) "Federalism has in recent years, witnessed a change – from the dogmatic to dynamic – approach." Discuss the changing approach and point out the main deviations in the working of the Constitution of India. **20**

(b) "Liberty of Press consists in laying no prior restraints upon publications and not in freedom from censure for matters when published." Explain and indicate how far this liberty of Press is protected under the Indian Constitution. **20**

(c) "The extensive use of the device of 'reasonable classification' by State and its approval by the Supreme Court has rendered the guarantee of 'fair and equitable treatment' under Article 14 largely illusory." Discuss making clear the constitutional and popular concepts of 'right to equality' in India. **20**

(d) What is Judicial activism? In this context evaluate the contribution of the Supreme Court of India, which is empowered to act as the guardian of the constitutional provisions. **20**

2. (a) "The pardoning power of the Governor is not immuned from Judicial review" Examine this statement in the light of the case of Satpal Vs. State of Hariyana (2000). **30**

(b) Examine in detail the provisions of the Constitution regarding appointment of Judges of the Supreme Court of India. Is it necessary to constitute a Commission to review and reform the prevailing provisions of the Constitution in this regard? Give reasons. **30**

3. (a) "The Supreme Court of India has extended theory of basic structure of the Constitution to the constitutional morality in the case of B.R. Kapur Vs. State of Tamil Nadu, (2001)." Explain. **30**

(b) What are the grounds, duration and consequences of the Proclamation issued by the President of India pertaining to the failure of constitutional machinery in States? Is such a Proclamation justiciable? **30**

4. (a) "Parliamentary privileges is an essential incident to the high and multifarious functions which the legislature is called upon to perform." Discuss the position under the Constitution of India. Will you suggest reforms, if any, in the existing position? **30**

(b) Explain the form of the Government that the Constitution of India has adopted and which has been subject of criticism. What reforms, if any, will you suggest in this regard? **30**

SECTION 'B'

English version compiled from published transcriptions and cross-checked across sources; not a facsimile of the official UPSC question paper.

Optional Province · optionalprovince.com

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

(a) "The controversy whether International law is law or not is meaningless because, in fact, it is law and is generally obeyed." Highlight the views of prominent writers about the above statement. **20**

(b) "The General Assembly has become more powerful than the Security Council of the United Nations." Do you agree with this view? Give reasons. **20**

(c) Explain the forcible methods of settlement of international disputes. **20**

(d) Explain the scope of the concept of freedom of the High Seas and discuss also the legality of nuclear tests in the areas of High Sea. **20**

6. (a) Discuss the principles on which the extradition of a fugitive offender is based. Is a state liable to extradite an offender, who has been accused of a political murder in a neighbouring state? Give reasons. **30**

(b) Explain 'Jus cogens'. Examine critically the Articles on 'Jus cogens' in the Vienna Convention. **30**

7. (a) "The Law of Sea Convention 1982, does not bestow on landlocked states any definite right of transit." Do you agree with this statement? Give reasons. **30**

(b) Assess the contribution of the Johannesburg World Summit on Sustainable Development (W.S.S.D.-August, 2002) and New Delhi 8th Conference of the Parties (C.O.P.-8 October, 2002) in combating climate change. **30**

8. (a) Discuss the jurisdiction of International Court of Justice. Who will decide as to whether the Court has jurisdiction or not? **30**

(b) "The granting of recognition to a new state is not constitutive but a declaratory act." Do you agree with this view? Discuss the theories of recognition and state which theory is correct in your view. **30**

Optional Province · optionalprovince.com