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# UPSC

## Main Exam 2010

### **Question Paper -I**

(In English)

Subject: **LAW**

Date: 13<sup>th</sup> November 2010

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**LAW****Paper I**

Time Allowed : Three Hours

Maximum Marks : 300

**INSTRUCTIONS**

*Each question is printed both in Hindi and in English.*

*Answers must be written in the medium specified in the Admission Certificate issued to you, which must be stated clearly on the cover of the answer-book in the space provided for the purpose. No marks will be given for the answers written in a medium other than that specified in the Admission Certificate.*

*Candidates should attempt Questions no. 1 and 5 which are compulsory, and any three of the remaining questions selecting at least one question from each Section.*

*The number of marks carried by each question is indicated at the end of the question.*

## SECTION A

✓ Answer any *three* of the following (each answer should be in about 200 words) : 20×3=60

✓ ~~(12)~~ "The fragrance and colour which is enshrined in Article 141 of the Constitution of India is destined to uphold the Rule of Law in the interest of justice and people of India." Do you agree ? Give reasons.

✓ ~~(13)~~ Whether right to vote is a fundamental or a statutory right ? Justify your statement with the help of relevant case-law on this subject.

✓ ~~(14)~~ "While certainty of law is important in India, it cannot be at the cost of justice." Critically examine this statement in the context of 'curative petition' in India and also refer to relevant case-law.

✓ ~~(15)~~ The doctrine of separation of powers in its classical sense, which is functional rather than structural, cannot be applied in any modern government. Discuss.

- (a) New frontiers of criminal justice have been spelled out from Article 21 of the Constitution, which provides that no person shall be deprived of his right to life and personal liberty except according to procedure established by law. Discuss and refer to decided cases. 30

(b) *Locus standi* is necessary for challenging an administrative action. through a writ petition. How has it been liberalised in case of public interest litigation? Comment on the statement that "PIL is not a PILL against all the ILLS."

30

3. (a) Critically examine the role of the Supreme Court of India in the maintenance of minimum standards in public life and polity. Opine on how much of it is enforcement of the rule of law and how much of it is judicial activism.

30

4. In recent times the role of Governor in the appointment and dismissal of Chief Minister has been impugned and it is said that the Court has assumed the role of the Governor and the Speaker. Comment. Refer to recent cases where the Supreme Court has directed to take composite floor test and report to the Court.

30

5. Write critical notes on the following :  $20 \times 3 = 60$

(a) "The power to destroy the Constitution is not included in the power to amend the Constitution."

(b) "It is the religious teaching, not the teaching of religion which is prohibited under the Constitution of India."

(c) "The doctrine of excessive delegation is a judicially tailored principle."

## SECTION B

5. Answer any *three* of the following (each answer should be in about 200 words) : 20×3=60

(a) "The fundamental principles of International law are passing through a serious crisis and this necessitates its reconstruction." Do you agree with this statement? Give reasons.

*p. Conf. of a treaty. Universal ncc.*  
 What do you understand by the principle of 'Continuity of State' in the context of succession of government? Pinpoint the major areas to be addressed to improve upon the existing position relating to State succession rules and practice.

*WTO*  
 Comment on the statement that 'WTO' is the main organ for implementation of Multilateral Trade Agreements and is the third economic pillar of the worldwide trade and commerce.

*WTO*  
 A reservation, which purports to exclude or to modify the legal effects of certain provisions of the treaty in their application to that State, is accepted in practice, if it is compatible with object and purpose of the treaty. Discuss the practice of different nations and opinion of ICJ regarding admissibility of reservations to the conventions.

6. (a) The traditional definitions of International law with its restrictions to the conduct of States inter se, in view of developments during the last six decades cannot stand as a comprehensive description of all the rules now acknowledged to form part of International law.

Elaborate with examples those developments which are not covered by the exclusive rules governing the conduct of States. 30

- (b) Discuss with illustrations the law and the practice of various States in relation to non-recognition of governments. 30

7. (a) Normally the States are reluctant to resort to the International Court of Justice mainly due to political factor; the general conditions of international relations; the greater suitability of other tribunals; a flexibility of arbitration in comparison with a compulsory jurisdiction and difficulty in getting enforcement of the decisions of the court. However, the court has made a reasonable contribution in settling disputes.

Critically evaluate the working of the court specially in contentious cases. 30

- (b) How would you react to the statement that TRIPS agreement on the one hand is a historic act but on the other hand it failed to achieve the goals of improving trading powers and trade issues of the least developed countries? Comment. 30

~~18.~~ Write short notes on the following : -

~~(a)~~ Exclusive Economic Zone

~~(b)~~ Laws relating to aircraft hijacking

~~(c)~~ Statelessness