Civil Services (Main) Examination, 1999

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. Comment in about 200 words each, on any three of the following:

(a) What is prohibited is hostile discrimination, and not reasonable classification. **20**

(b) Parliament's power to amend the Constitution cannot be equated with the power of the Constituent Assembly to frame a Constitution. **20**

(c) Justice should not only be done, but should manifestly and undoubtedly be seem to be done. **20**

(d) Independence of judiciary being a basic feature of the Constitution, appointment of judges should not be influenced by political considerations. **20**

2. (a) What is included within the right to freedom of speech and expression? Are commercial advertisements covered by the protection? Discuss referring to decided cases. **30**

(b) What are the discretionary powers of the President, if any? How much discretion does he have in the appointment of the Prime Minister, dismissal of the Government and dissolution of the Lok Sabha? Discuss. **30**

3. (a) The term 'procedure established by law' in Article 21 of the Constitution has been interpreted by the Supreme Court to entitle an accused person to a right to fair trial. Discuss and referring to decided cases spell out the ingredients of a fair trial. **30**

(b) What is the meaning of 'failure of constitutional machinery in a State'? To what extent is the satisfaction of the President in this regard subject to review by the courts? Discuss. **30**

4. (a) A law prohibits religious conversions brought about by use of fraud, force, or allurement and makes it a punishable offence. In a writ petition it is alleged that the law is violative of right to propagate religion guaranteed under Article 25 of the Constitution. Decide giving reasons. **20**

(b) The Service Rules of a Statutory Corporation allow the Corporation to terminate the services of a confirmed employee by giving three months notice or by paying three month's salary in lieu of notice. The validity of the rule is challenged for violation of Articles 14 and 21 of the Constitution. Decide giving reasons. **20**

(c) A minority educational institution, which is completely unaided by the Government, is required by the Education Code framed by the Government to pay to its teachers salary at the prescribed rate. The institution shows its inability and contends that the enforcement of the code amounts to interference with its constitutionally guaranteed right of administration. Decide giving reasons. **20**

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

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SECTION 'B'

5. Comment in about 200 words each, on any three of the following:

(a) It is too late to deny the legal character of international law, but in the present state of affairs it is tragically ineffective. **20**

(b) Asylum stops, as it were, where extradition or rendition begins. **20**

(c) The formulation of binding general rules of international law for the protection of human rights and fundamental freedoms by adequate machinery for their enforcement still remains more a promise than an achievement. **20**

(d) Rights, privileges, and immunities of diplomatic envoys are primarily based on the need to ensure the efficient performance of the functions of the diplomatic missions, and to a secondary degree that a diplomatic mission personifies the sending State, and not on any theory of exterritoriality. **20**

6. Examine the principal achievements of the United Nations Convention on the Law of Sea of 1982 and their significance for India. **60**

7. (a) How far is war recognised today by the rules of international law as an instrument of national policy? What is the distinction between war and non-war hostilities? Discuss. **30**

(b) What is the basis of obligation of International law? Discuss the respective viewpoints of naturalist and positivist schools. **30**

8. (a) Pakistan has taken loan from certain international loaning agencies for its development. Part of the loan was spent on the development of the then East Pakistan which is now the independent State of Bangladesh. After East Pakistan seceded from Pakistan, Pakistan contended that the responsibility for the repayment of that portion of debt which was spent on East Pakistan had devolved on Bangladesh. Bangladesh denied it. Decide giving reasons. **20**

(b) About a decade back the Government of Sri Lanka, as a part of anti-insurgency operations against L.T.T.E., laid siege on a portion of its Jaffna province. The Government of India insisted to drop, and did drop, food supplies in that area. Was it justified in International Law? What justifications can be proffered on behalf of the Government of India? **20**

(c) On board a Chinese public ship, while it was on high seas, a cabin boy, who was a British national, committed the crime of murder. The Captain of ship ordered the crew to take the ship to the nearby Hong Kong territorial waters. Hong Kong was then a British colony. He took assistance of the Hong Kong authorities and the cabin boy was arrested. There he was tried and in the trial the Chinese authorities fully cooperated. At the end of the trial he was convicted and sentenced to death. In appeal he contended that the trial court did not have jurisdiction. In his view the public ship of China was like a Chinese floating island and therefore, only a Chinese court had the jurisdiction and the Hong Kong court could assume jurisdiction only if China waived its immunity and that in the facts of the case China had not done it. Decide giving reasons. **20**

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