Civil Services (Main) Examination, 2000

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 200 words):

(a) "The Indian Constitution is essentially federal in character, though it tends to be unitary at times." Comment. **20**

(b) What are the discretionary powers of the Governors of States? Why is there no provision in the Constitution for impeachment of a Governor? Explain. **20**

(c) Explain the provisions relating to protection and improvement of environment in our Constitution with special reference to the role of judiciary in this regard. **20**

(d) "The question today is not whether there should be delegated legislation, but subject to what safeguards it should be resorted to." Critically examine the statement. **20**

2. (a) "The Supreme Court in Maneka Gandhi's case has revolutionised the law relating to 'personal-liberty' under Article 21 of the Constitution." Explain with illustration. **30**

(b) Examine critically the relationship between the Fundamental Rights and the Directive Principles of State Policy in the light of decided cases and the constitutional amendments. **30**

3. (a) Assuming that the Parliament, under Article 368 of the Constitution, passes the following constitutional amendments: (i) Religion is a matter of personal faith. Its propagation in any form is strictly prohibited. (ii) Article 16(4) of the Constitution empowering the state to make reservation in services under the state in favour of backward class of citizens is completely deleted. Discuss whether these amendments are likely to be held valid. **30**

(b) "Article 311(2) lays down that a civil servant cannot be dismissed or removed or reduced in rank unless he has been given a reasonable opportunity to show cause against the action proposed to be taken against him." Critically examine the statement with reference to the Constitution (Forty-Second Amendment) Act, 1976. **30**

4. (a) The Transport Commissioner is the Director, ex-officio of the Karnataka State Road Transport Corporation (KSRTC) which is responsible for the operation and management of the transport undertakings of the Corporation. The Transport Commissioner is simultaneously Chairman of the KSRTC Authority which has power to grant/refuse stage carriage permits. In this case, private bus operators had applied for renewal of their stage carriage permits in respect of various routes. At the same time, KSRTC also applied for fresh stage carriage permits in respect of the same routes. Examine with reference to the relevant provisions of the Administrative Law, whether the Commission can be restrained from exercising his power. Give reasons for your answer. **30**

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

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(b) The Civil Surgeon had issued an advertisement for a training course in midwifery at the District Hospital. The advertisement had a clause "Married women candidates must enclose along with their application their husband's written permission for pursuing the course." The wife got the letter of consent from her husband and joined the course. The husband, however, had second thoughts and wrote to her and the authority saying she should return immediately as her not being there would disturb the family life and hence she would not be permitted to join. Thereafter the authority asked her to produce another letter of "no objection" from the husband. Examine with reference to the relevant provisions of the Constitution the validity of the order of the authority. **30**

SECTION 'B'

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

(a) "International Law is a 'weak-law'." Do you agree with this statement? Give reasons. **20**

(b) Is the provision of the I.C.J. pertaining to the appointment of 'National Judges' belonging to the nationality of parties to a dispute, proper in the interest of justice? How are judgements of the courts enforced? Explain. **20**

(c) "Every person is subject to the territorial jurisdiction of a state." Critically examine the statement. **20**

(d) "The power of veto has paralysed the Security Council." Do you agree with this view? Give reasons. **20**

6. (a) Give a brief account of attempts made in the international field for limitation of armaments. What, according to you, hinders the proposals to prohibit the production, possession and use of automatic weapons? **30**

(b) Discuss the recognised procedure, with special reference to the Hague Convention, for peaceful settlement of international disputes. How can the arbitral award be enforced against a state refusing to submit to it? **30**

7. (a) State 'A' and 'B' are at war with each other. Examine the effect of the war on the following treaties: (i) An extradition treaty between the States 'A' and 'B'. (ii) The Convention of Traffic in Narcotic Drugs 1926, to which States 'A' and 'B' are the parties. (iii) The Geneva Prisoners of War Convention, to which States 'A' and 'B' are the parties. **20**

(b) A revolution takes place in State 'X'. 'Y' seizes power in an unconstitutional manner by installing himself as the Head of State 'X'. What principles will govern the question of recognition of 'Y' as the Head of States 'X' on the part of other states? What consequences will ensure if recognition is accorded or refused? **20**

(c) A foreign bank has given a loan to the Government of State 'A' for the improvement of roads in 'X', a province of State 'A'. 'X' is subsequently ceded to State 'B'. The Government of State 'B' refuses to accept any responsibility of the loan. Is State 'B' entitled to do so? Discuss. **20**

8. Write explanatory notes on the following:

(a) Sanctions of International Humanitarian Law. **20**

(b) The theory of consent as the binding force of international law. **20**

(c) Prevention and punishment of crimes against diplomatic envoys. **20**

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