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Paper -I

SECTION-A

1. Answer the following questions in about 150 words each : 10 x 5 = 50

(a) What do you understand by the terms ‘cooperative federalism’ and ‘competitive federalism’? Do you agree with the view that the Indian Constitution is based on the concept of ‘competitive federalism’ and not on the concept of ‘cooperative federalism’? (10 MARKS)

(b) Administrative powers/actions are not always in conflict with the ‘rule of law’ principle. Discuss with illustration. (10 MARKS)

(c) Critically evaluate the changing dimensions of the concept of ‘State’ under Article 12 of the Constitution of India. (10 MARKS)

(d) “Natural justice is not a made to order formula which has to be fitted to all situations with an iron-bound uniformity.” Comment. Refer to case laws. (10 MARKS)

(e) “With the adoption of Parliamentary form of government, the vesting clause under Article 53(1) remains to a great extent meaningless, as real executive power lies in the Ministry.” Critically examine the above statement in the context of the status and position of the President of India under the Indian constitution. Also answer, if the President of India does not accept the advice of the Prime Minister, what consequences would follow. (10 MARKS)

2. (a) Examine the concept of social justice as envisaged in the Constitution more particularly in Chapter IV of the Constitution and under Article 14 of the Constitution. (20 MARKS)

(b) What are the constitutional safeguards available in a civil servant against dismissal, removal or reduction in rank of services? Are these rights also available to an employee of a public corporation? Discuss with reference to statutory provisions and case law. (15 MARKS)

(c) What would be best way or method for the appointment of judges in High Courts and the Supreme Court in India? Give your views and support your views with reasons. (15 MARKS)

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3. (a) What are the major challenges in the functioning of local bodies in India? Does it talk about success story or something else? (20 MARKS)

(b) Is the Governor's post dependent on the pleasure of the President? Discuss. What exactly constitutes the 'discretion' of the Governor while exercising numerous powers? Explain with reference to statutory provisions and relevant case law. (15 MARKS)

(c) Discuss the constitutionality of delegated legislation. What are the limits of delegated legislation? Explain. (15 MARKS)

4. (a) "The liberty of the press implicit in the freedom of speech stands on no higher footing than the freedom of speech and expression of a citizen, and no privilege is attached to the press as such distinct from the ordinary citizen." Explain this statement and also distinguish the term 'freedom of speech and expression' and 'speech and expression.' (20 MARKS)

(b) "Imposition of Emergency in a State under Article 356 has always been a matter of controversy." In this backdrop, explain the consequences of proclamation of Emergency in a State. (15 MARKS)

(c) Under what circumstances, does a third party, apart from concerned parties, have locus standi to move writ petitions before the High Court or the Supreme Court in India? Also point out the limitations of such petitions. (15 MARKS)

SECTION-B

5. Answer the following questions in about 150 words each : 10 x 5 = 50

(a) Explain the distinctions between traditional and modern definitions of international law. Critically examine the growing scope and importance of international law in the present context. (10 MARKS)

(b) "Where Extradition begins Asylum ends." Critically examine the above statement with special reference to extraditable persons and extradition crimes. (10 MARKS)

(c) It is generally viewed that "Rights and Duties are correlative". However, the International Human Rights Movement has developed more as rights-oriented than duties-oriented. Why has this

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happened? Explain with the help of various International Human Rights instruments. Can you think of a 'Human Duty Movement' instead of a 'Human Rights Movement' ? (10 MARKS)

(d) Define 'International Treaty' and explain the growing importance of treaties in Modern International Law. Can a multilateral treaty be terminated? If so, on what grounds? Explain. (10 MARKS)

(e) Do you agree with the statement that "the Globalization is a necessary evil"? Critically examine the implications of the reform process undertaken by the IMF and IBRD by way of structural adjustment programmes and policies on developing countries, with special reference to India. (10 MARKS)

6. (a) "Continental Shelf was regarded as the natural prolongation of the land mass of the coastal state." Critically examine the Delimitation of the Continental Shelf with the help of relevant case law of the International Court of Justice (ICJ). (20 MARKS)

(b) Define International Dispute. Explain the difference between peaceful settlement of disputes and compulsive settlement of disputes. Critically examine the growing importance of ADR methods in International Dispute settlement. (15 MARKS)

(c) "Membership of the Security Council is not democratic mainly because of its veto power. In view of that, the U.N Security Council should be expanded and should given more membership to other countries reflecting the demographic composition of the community of nations." Explain. (15 MARKS)

7. (a) "Certain provisions of the four Geneva Conventions (1949) and their additional protocols of 1977 have assumed the status of customary principles (jus cogens) of IHL today." Do you agree with the above statement? Justify your arguments in the light of common Article 3 of the four Geneva Conventions. (20 MARKS)

(b) Explain the concept of terrorism in the context of current technological developments. Do you justify counter-terrorism as an effective strategy to deal with terrorist activities? Is the existing international legal regime effective in dealing with emerging new terrorist threats ? Explain. (15 MARKS)

(c) Explain the differences between Paris and Bern regimes. Do you agree with the statement that, "The Trade Related Intellectual Property Rights (TRIPs) is nothing, but mere repetition of the Paris and Bern Conventions." Discuss. (15 MARKS)

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8. (a) “International law is primarily concerned with Rights, Duties and Interests of States.” Critically examine the statement with reference to the place of Individuals and Non-State entities in International law. (20 MARKS)

(b) Do you agree with the statement that “Beginning with the Stockholm Declaration of 1972, there has been an increased reliance upon non-binding international instruments dealing with environment”? Why has this trend developed and have these instruments been more useful than treaties? Explain. (15 MARKS)

(c) It is generally viewed that “What the U.N. did in the 20th century for maintenance of peace and security, the W.T.O. is going to play the same role on economic and trade relations in 21st century.” Discuss the above statement in view of the changing notion of political sovereignty to economic sovereignty of State. (15 MARKS)

Paper - II

SECTION-A

1. Answer the following in about 150 words each. Support your answer with legal provisions and judicial pronouncements. 10 x 5 = 50

(a) “Whether the maxim ‘actus non facit reum nisi mens sit rea’ in general and the Common Law doctrine of ‘mens rea’ as an independent doctrine in particular are relevant in the interpretation of provisions of the Indian Penal Code?” Explain the above in the light of juristic opinions and judicial pronouncements. (10 MARKS)

(b) Critically examine the development of the law relating to remoteness of damages. Which test do you prefer for deciding the question of remoteness of damages and why? Give reasons for your answer. (10 MARKS)

(c) In view of the consistent opinion rendered in Aruna Shanbaug case and also considering the socio-legal medical and constitutional significance of Euthanasia, do you consider that the view expressed by the Constitutional Bench of Supreme Court in Common Cause (A Regd. Society) vs. Union of India (2018) is conclusive? Comment critically. (10 MARKS)



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(d) “The paramount task of the law of torts is to pay an important regulatory role in the adjustment of losses and eventuate allocation of their cost and that until the emergence of the welfare state, the law of torts provided the only source for alternating the plight of the injured.” In the light of the above statement, discuss the nature and scope of law of torts and substantiate your answer with leading case law. Also discuss the position in India. (10 MARKS)

(e) “Right of private defence to the extent of causing death of an assailant cannot be based on the surmises and speculation. The accused must be under a bonafide fear of death or grievous hurt would otherwise be the consequence of the assault, if he does not defend. To determine the existence of apprehension is always a question of fact.” Explain the above proposition in the light of existing legal provisions and judicial decisions. (10 MARKS)

2. (a) “Section 300 (4) of the Indian Penal Code will be applicable in cases where the knowledge of the offender as to the probability of death of a person approximates to practical certainty.” Illustrate the above statement. (20 MARKS)

(b) Explain the maxim ‘volenti non fit injuria’. Is the knowledge of risk not the same thing as consent to suffer the risk? Support your answer with judicial pronouncement. (15 MARKS)

(c) A group of persons decided to act in concert with common intention to commit rape on victim (V). More than one person from the group, in furtherance of common intention, acted in concert in the commission of rape as per pre-arranged plan. One lady member of the group facilitated the commission of such rape by many persons of the group. The essence of liability in such situation being the existence of common intention. Decide the criminal liability of the following members of the group:

(i) Who were members of the plan but did not participate in the act

(ii) Who committed rape

(iii) The sole lady member who lend full facilities for the commission of rape. (15 MARKS)

3. (a) Six people decided to carry out dacoity of a bank in a village. They went to the bank to commit it, but were intercepted by police. All of them ran away. While the police was chasing them, one of the dacoits (X) killed Mr. Y. who tried to obstruct his way. Decide liability for the murder committed by one of them in view of Sections 391 and 396 of the Indian Penal Code. (15 MARKS)

(b) “A master is liable for all acts of his servant done during the course of employment.” Explain it in general and from Indian perspective in particular. (15 MARKS)

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(c) Corruption by public servants has become gigantic problem. Large scale corruption retards the nation-building activities and everyone has to suffer on their count. The efficiency of public servant would improve only when the public servant does his duty truthfully and honestly. Therefore, in such cases, it is difficult to accept any plea of leniency in sentence (State of MP vs. Shambhu Dayal Nagar (2006) 8 SCC 693). Comment. (20 MARKS)

4. (a) “Plea bargaining in India is the truncated one, as it is applicable to sentence only and not to the charge. Equally it is a court-monitored procedure, except that it provides a clause related to compensation to the victim.” Critically analyse the retention of such provision in the Indian Criminal Justice dispensation. Also suggest reforms, if any, you understand are necessary. (15 MARKS)

(b) “Rule of absolute liability has been expounded by the apex court in M.C. Mehta’s vs Union of India.” How far is it a reform over the rule of strict liability? Comment. (15 MARKS)

(c) “For fixing criminal liability of a doctor under Section 304-A of the Indian Penal Code, it is necessary to prove that the act complained against the doctor must show such rashness or negligence of such higher degree as to indicate mental state which can be described as totally apathetic towards patient. Such gross negligence alone is punishable.” In the light of the latest judicial pronouncement, explain the above statement. (20 MARKS)

SECTION-B

5. Answer the following in about 150 words each. Support your answer with relevant legal provisions and decided cases. 10 x 5 = 50

(a) If certain goods are displayed either in a show window or inside the shop and such goods bear price tags, discuss whether such display amounts to an offer to sell. Explain the distinction between offer and invitation to offer with the help of decided cases. (10 MARKS)

(b) In an action to avoid a contract on the ground of undue influence, the plaintiff has to prove two points. Explain those points and different kinds of relations leading to presumption of undue influence which vitiates free consent. (10 MARKS)

(c) Section 28 of the Indian Contract Act, 1872 makes agreements in restraint of legal proceedings void. Are there any exceptions to this rule? Discuss with the help of relevant provisions and decided cases. (10 MARKS)

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(d) Public Interest Litigation (PIL) in India, of late, has been used not only to represent the unrepresented and weak but also to advance the interest of others. Comment on the recent trends relating to the application, use and misuse of PIL in India. (10 MARKS)

(e) In spite of introduction and recognition of Technological Protection Measures (TPMs), the digital copyright continues to be unsafe and unsecured. Explain the impact of the 2012 Amendments to the Copyright Act, 1957 on the protection of digital copyright in India. (10 MARKS)

6. (a) “It is well-settled that if and when there is frustration, the dissolution of the contract occurs automatically.... It does not depend on the choice or election of either party. It depends on the effect of what has actually happened on the possibility of performing the contract.” Discuss the effects of frustration of contract. (20 MARKS)

(b) “If a person falsely represents that he is an agent of another, the principal may ratify the act even though the same was done without his authority.” Discuss, in the light of the above statement, the essentials of valid ratification and its effect. (15 MARKS)

(c) ‘Sustainable development’ has been accepted as a balancing concept between ecology and development. Discuss the recognition and application of this principle under the laws relating to environmental protection in India. (15 MARKS)

7. (a) If an officer with an intelligence agency of the Government receives a cheque for consideration on the basis of an agreement to pass on intelligence inputs, can such cheque be enforceable under Section 138 of the Negotiable Instruments Act, 1881? Discuss the scope of the legally enforceable liability of the drawer under Sections 138 and 139 of the Act. (20 MARKS)

(b) “E-governance represents a new form of governance which needs dynamic laws, keeping pace with the technological advancement.” Comment on the adequacy of the Information Technology Act, 2000 in ensuring effective E-governance in India. (15 MARKS)

(c) Even though Section 89 of the Code of Civil Procedure, 1908 provides for out of court settlement of civil disputes filed in a civil court, the impact of such settlement through Alternative Dispute Resolution (ADR) appears to be poor. Analyse the reasons for failure to settle the disputes through ADR modes. (15 MARKS)

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8. (a) The courts have found it very difficult to come to the rescue of the weaker party to a standard form contract, and thus evolved certain modes to protect such weaker party against the possibility of exploitation inherent in such contracts. Explain the modes of protection available to weaker party in a standard form contract. (20 MARKS)

(b) Trial by media appears to be an affront to the concept of free and fair trial in criminal cases, apart from being a kind of contempt of court in certain cases. Analyse the impact of trial by media on the administration of criminal justice in general and on the stakeholders in particular. (15 MARKS)

(c) “Mahatma Gandhi, the Father of Nation, observed that the meaning of real freedom is not to acquire authority by few but to acquire the capacity to question the abuse of such authority.” Examine, in the light of the above statement, the obligations of the public authorities and explain whether they have discharged it effectively during the last about seven decades. (15 MARKS)

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