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UPSC law optional previous year paper – 2007

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Paper-I

Section - A

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

(a) What procedure would you suggest to the Government of India where under an agreement between the Government of India and a neighbouring foreign country a small portion of Indian territory comprised in State Y has to be ceded to the above foreign neighbouring country?

(b) "The doctrine of pith and substance introduces a degree of flexibility into the otherwise rigid scheme of distribution of legislative power under the Indian Constitution." Justify this statement with the help of case law.

(c) "The Constitution of India is not true to any traditional pattern of federation." Comment.

(d) What is the meaning of 'Freedom of Press' under the Indian Constitution? Can the freedom of press be restricted by a law requiring the press owners to pay minimum wages to the employees of the press? Decide.

2. (a) Examine and elucidate the scope and significance of Article 32 of the Constitution in the context of Public Interest Litigation as expounded by the Supreme Court in M. C. Mehta Vs. Union of India, AIR 1987 SC. 1086.

(b) When can the President's Rule be imposed under Article 356 of the Constitution? Is there any need to amend Article 356? What will be your suggestion in this regard?

3. (a) Are these features in the Constitution of India that are basic or fundamental to it? Would you subscribe to the proposition that the Parliament's competence to amend the Constitution is subject to the basic or fundamental features of the Constitution? Elucidate.

(b) Discuss in detail the advisory jurisdiction of the Supreme Court of India. Is the Supreme Court opinion binding on all courts?

4. Write short notes on the following :

(a) The doctrine of territorial nexus.

(b) Meaning of the term 'Other Authorities' under Article 12 of the Constitution

(c) Power of President of India to grant pardons, reprieves, etc. under Article 72 of the Constitution.

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Section - B

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

(a) "International Law is defined as 'Vanishing point of Jurisprudence'." (Holland). Examine this viewpoint with reference to the nature of International Law.

(b) Explain the doctrine of 'Pacta sunt servanda'. What are the exceptions to the above doctrine?

(c) How does the ICJ get jurisdiction over contentious disputes ? Can a state be compelled to submit its dispute with another sovereign state without its consent?

(d) What do you mean by the term 'Subjects of International Law' ? What are its attributes?

6. (a) Discuss the importance of International Customs as a source of International Law. When does a usage crystallize into a custom?

(b) International practice supports the evidentiary theory as to the nature, effect and function of recognition. Comment.

7. (a) Define 'Continental Shelf and distinguish it from 'Exclusive Economic Zone'. Critically evaluate the rights and obligations of coastal states in the Exclusive Economic Zone.

(b) Discuss the powers of the Security Council to investigate any 'dispute' or 'situation' inimical to international peace and security.

8. Write explanatory notes on the following :

(a) Territorial Sea

(b) International Criminal Court

(c) Jus Cogens

Paper-II

Section - A

1. Answer any Three of the following (answer to each question must not exceed 200 words). Support your answer with legal provisions & decided cases:

(a) Describe the kinds of punishments to which offenders may be punished under the provision of Indian Penal Code, 1960.

(b) What is meant by 'extortion'? Explain its ingredients and distinguish between 'theft' and 'extortion'.

(c) The doctrine of "alternative danger" is the extension of the doctrine of "contributory negligence". Discuss. (d) Distinguish between tortious liability and criminal liability!

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2. (a) When an offence of 'adultery' is said to be committed? Whether a wife may be punished for the offence of adultery as an abettor? Distinguish between the offences of 'rape' and 'adultery'.
- (b) A with the intention in good faith of saving human life and property, in a great fire, pulls down houses in order to prevent the conflagration from spreading it. A pleads that the harm to be prevented was of such a nature and so imminent as to justify or excuse his act. Decide, whether A has committed any offence?
3. (a) "If a person brings or accumulates on his land anything which if it should escape may cause damages to his neighbours, he does so at his peril." Discuss the above statement by referring the judicial pronouncements along with the exceptions thereto.
- (b) "Acts done with the intention of annoying a neighbour and actually causing annoyance will be nuisance." Comment. 'A', a music teacher, gives music lessons at his residence. B, the neighbour, resides in the adjoining house, maliciously causes discomfort to A, by hammering against the party wall, beating the trays, whistling and shrieking. A prays for an injunction against B, should he succeed?
4. (a) Discuss the composition and objects of Consumer Protection Council under the Consumer Protection Act, 1986.
- (b) Define and discuss the ingredients of "corruption" as given under the provisions of the Prevention of Corruption Act, 1988.

Section - B

5. Answer any THREE of the following (answer to each question must not exceed 200 words) :
- (a) "All illegal agreements are void but all void agreements are not illegal. Discuss.
- (b) "A contract can not be enforced by a person who is not a party to it though it is made for his benefit. He is a stranger to the contract and can claim no rights under it." Examine the above statement in the light of judicial pronouncements stating the exceptions thereto.
- (c) Explain the meaning of 'free consent' as an essential element of a valid contract and enumerate the factors vitiating 'free-consent'.
- (d) What is meant by the doctrine of "supervening impossibility"? Under what circumstances the "supervening impossibility" may arise?
6. (a) The general rules as regards to transfer of title is "nemo dat quod non habet" (No one can give or transfer what he does not himself possess). Critically examine the rule highlighting its exceptions in the light of statutory provisions.
- (b) Under what circumstances a partnership firm may be dissolved by the intervention of the court.



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7. (a) “Sharing of profits is not a conclusive evidence of the existence of partnership firm.” Discuss and describe the essential elements to constitute a partnership firm.
- (b) Discuss the rights of ‘unpaid seller’ against the goods as described under the Sale of Goods Act, 1930.
8. (a) Who can make negotiable instrument? Whether a promissory note duly executed in favour of minor is void? Give reasons.
- (b) What is meant by ‘material alteration’ in the negotiable instrument? Under what circumstances an alteration in the negotiable instrument may be treated as material alteration under the-Negotiable Instruments Act, 1881? State the effect of such alteration.

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