

This question paper contains 4 printed pages]

ASME-21-LAW-(I)

Roll Number

LAW (PAPER-I)

Time Allowed : 3 Hours]

[Maximum Marks : 100

QUESTION PAPER SPECIFIC INSTRUCTIONS

Please read the following instructions carefully before attempting questions :

1. There are **EIGHT** questions printed in English. Attempt any **FIVE** questions.
2. Question No. 1 is compulsory. Out of remaining **SEVEN** attempt any **FOUR**.
3. *All* questions carry equal marks. The number of marks carried by a question/ part is indicated against each.
4. Write answers in legible handwriting. Each part of the question must be answered in sequence and in same continuation.
5. Attempts of questions shall be counted in sequential order. Unless struck off, attempt of a question shall be counted if attempted partly. Any page or portion of the page left blank in answer book must be clearly struck off.
6. Re-evaluation/Re-checking of answer book of the candidate is not allowed.

1. (a) *“The key to the science of jurisprudence is primary and secondary rules; and it is the union of these two types of legal rules that provides a powerful tool for analysis.”* Analyse the above statement in view of HLA Hart. 6
- (b) Elaborate the writ jurisdiction of the Supreme Court under Art. 32 with special reference to prerogative writs of *Habeas Corpus, Certiorari, Prohibition, Mandamus, and Quo Warranto*. 6
- (c) What are the major characteristics of the Marxist theory of State ? 4
- (d) Briefly discuss history of the Himachal Pradesh Land Revenue Act, 1954. 4
2. (a) According to Hans Kelsen, ‘A legal order is a social, coercive and a normative order’. Explain Kelsen’s ‘Concept of Law’ in view of this statement. 6
- (b) Explain the scope and ambit of ‘Freedom of Speech and Expression’ under Article 19(1) (a) with the help of relevant precedents. 6
- (c) Why do Marxists believe that Capitalism cannot be adequately understood as a ‘domestic phenomenon’ ? How does this belief reflect in the theories of imperialism ? 4
- (d) Write a note on Kanungos and Village Officers with reference to the provisions of the Himachal Pradesh Land Revenue Act, 1954. 4
3. (a) “Law grows with the growth and strengthens with the strength of the people, and finally dies away as the nation loses its nationality.” Examine the statement in the light of Savigny’s theory of *Volksgeist*. 6
- (b) ‘Right to Life’ includes various unenumerated rights. Explain the four most important ones given by Supreme Court of India with the help of recent case law. 6
- (c) Discuss the ways in which critical theoretical approach to international politics is influenced by the developments in Western Marxism. 4
- (d) Explain the procedure relating to partition under the Himachal Pradesh Land Revenue Act, 1954. Refer to the relevant provisions. 4

4. (a) "Law, society and development are complementary and supplementary to each other." Evaluate with reference to Roscoe Pound's thesis of law as social engineering. 6
- (b) "Fundamental duties are not enforceable through any writ like the fundamental rights, but they are fundamental to the well-being of society and individuals." Examine. 6
- (c) Does the Marxian methodology of historical change suffer from over determination ? What are its limitations ? 4
- (d) Discuss the procedure as per the Himachal Pradesh Land Revenue Act, 1954 for making of periodical records that relate to landowners etc. assignee of revenue and occupancy tenants. 4
5. (a) Explain the role of Legislation and Precedent as the two main sources of law in any legal system. 6
- (b) The privilege against self-incrimination is a fundamental canon of common law criminal jurisprudence. Trace the said provision in the fundamental rights provided in the Constitution. Discuss its important ingredients while citing the relevant Supreme Court judgements. 6
- (c) What are the various stages of economic development as per Marx ? 4
- (d) What is the presumption relating to ownership of forests, quarries, and waste lands in the Himachal Pradesh Land Revenue Act, 1954 ? 4
6. (a) Possession is a matter of fact and reflects better title whereas ownership is a matter of law and conveys best title. Evaluate with illustrations. 6
- (b) Most of the fundamental rights operate as limitations on the power of the State and impose negative obligations on the State not to encroach upon individual liberty. Such rights are enforceable against the State. However, Article 23 is not limited in its application against the State and its sweep is wide and unlimited. Comment. 6

- (c) The work of Karl Marx is primarily based on the relationship between the economic system and the legal system. Discuss the implications of the statement. 4
- (d) Write a note on Assessment and General Assessment of Land Revenue as provided in the Himachal Pradesh Land Revenue Act, 1954. 4
7. (a) Explain the constituent elements that convert a custom into customary law. 6
- (b) 'Right to Personal Liberty' can be said to be violated if one is compelled to work against one's will. Identify the provision(s) of Part III of the Constitution of India guaranteeing such a right. In your opinion, is such a right absolute ? If not, elucidate the exceptions in the light of recent pronouncements of the Supreme Court. 6
- (c) Karl Marx believed that 'Law arises from class conflicts caused by property'. Analyse critically. 4
- (d) Discuss the powers and functions of Revenue Officers for prevention of encroachments on Land. 4
8. (a) Explain Hohfeld's analysis of Rights and Duties. 6
- (b) Does the word 'law' in Art. 13 include the amendment of the Constitution made under Art. 368 ? Elucidate with a brief overview of case law. 6
- (c) What is Marx's dialectical mechanism ? Explain with suitable illustration. 4
- (d) Discuss the powers of the Revenue Officers to define boundaries under the Himachal Pradesh Land Revenue Act, 1954. 4