

[This question paper contains 03 printed pages]

Roll Number: _____

HPAS (Main) Examination-2018

LAW-I

Time: 3 Hours

Maximum Marks: 100

निर्धारित समय : तीन घंटे

अधिकतम अंक: 100

Note:

1. This question paper contains eight questions. Attempt total five questions including question No.1 which is compulsory.
2. Each question carries equal marks. Marks are divided and indicated against each part of the question.
3. Write legibly. Each part of the question must be answered in sequence in the same continuation.
4. If questions are attempted in excess of the prescribed number only questions attempted first up to the prescribed number shall be valued and the remaining answers will be ignored.
5. Give reasons for your answer supported by relevant statutory provisions and case law.

1. Write detailed notes on the following:-

- (a) Economic approach of Karl Marx
- (b) Concept of Savigny's Volkgeist
- (c) Kanungos and Village Officers
- (d) Fundamental Duties

(05X04=20)

2. (a) What do you mean by the term 'Positive Law'? Discuss Austin's analytical positivism. Define and explain the term 'Sovereign'. Explain Austin's theory in Indian context. (10)

(b) "Fundamental Rights in the Indian Constitution secure the minimum of people's liberties which neither the state can take

away not any individual can surrender.” Discuss the statement in the light of recent Supreme Court judgments. (10)

3. (a) Explain Roscoe Pound’s theory of interests and his idea of social engineering. Explain how the Constitution of India has incorporated the principles of Roscoe Pound. Refer to relevant Articles of the Constitution in support of your answer. (10)
- (b) Explain the importance of Precedent as a source of law. What are the kinds of Precedents? Also discuss how the doctrine of *Stare Decisis* has been applied by the Indian Courts. Refer to relevant case law. (10)
4. (a) Karl Marx believes in Law of Economic Distribution as an ideological rationalization of capitalist society. Discuss the validity of the statement and its application in the present society. (10)
- (b) Who is a legal person? What are the kinds of legal persons? Discuss the theories of Legal personality. (10)
5. (a) 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. (10)
- (b) Who can apply for partition and discuss the procedure relating to partition under the Himachal Pradesh Land Revenue Act, 1954. Refer to relevant provisions. (10)
6. (a) *Ubi Jus Ibi Remedium* is the principle that governs Article 32 and 226 of the Constitution of India. In the light of the above statement, discuss the types of writs and how Article 32 and 226 have been crucial in securing the rights of individuals with the help of relevant case law. (10)
- (b) Discuss the procedure for preparation of standing Record of Rights and Periodical Records. Refer to relevant provisions of the Himachal Pradesh Land Revenue Act, 1954. (10)

7. (a) Discuss the provisions relating to General and Special Assessment under the Himachal Pradesh Land Revenue Act, 1954. Refer to relevant provisions. (10)
- (b) According to Salmond, "Legislation is that source of law which consists of the declaration of legal rules by a competent authority." Comment also on the kinds of legislation. Discuss the importance of legislation as a source of law. (10)
8. (a) Discuss the object of providing reservation to SC / STs, educationally and socially backward classes of society. Whether a woman marrying a Scheduled Caste, Scheduled Tribe or OBC citizens, or one transplanted by adoption or any other voluntary act, *ipso facto* becomes entitled to claim reservation under Article 15 (4) or 16 (4), as the case may be? Refer to recent judicial pronouncements. (10)
- (b) What is a legal right and what do you understand by the kinds of legal right? Explain the position of right to vote in India. (10)