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HPAS (Main)—2017

LAW

Paper I

Time : 3 Hours

Maximum Marks : 100

Note :— Part 'A' is compulsory and answer *four* questions from Part 'B'. *All* questions carry equal marks. Give reasons for your answer supported by relevant statutory provisions and case law. Write all parts of a question at one place in continuity.

Part 'A'

1. (a) Discuss the status of 'custom' as a source of law.
What are its characteristics and legal requirements ?
Can a custom prevail over law ? Explain. 6

P.T.O.

- (b) What are the Fundamental Duties enumerated under Article 51A of the Indian Constitution ? Discuss the scope and importance of Fundamental Duties with the help of decided cases. 8
- (c) Karl Marx believed that "Law arises from class conflicts caused by property". Explain. 6

Part 'B'

2. (a) According to Austin, 'Law is a command of the sovereign backed by sanction'. Do you agree with this statement ? Substantiate your answer with references to the Indian situation. 10
- (b) What is the relevance of Reservation in Promotion ? Do you think that Article 16(4) of the Constitution of India by itself would give consequential seniority in addition to accelerated promotion to the roster-promotes ? Elaborate your answer with the help of judicial pronouncements. 10

3. (a) "Law is a product of the general consciousness (*Volkgeist*) of the people and a manifestation of their spirit". Examine the concept of *Volkgeist* and discuss Savigny's contribution in defining Law. 10
- (b) Discuss the concept of 'equality' under the Constitution. What changes have been brought in the concept of equality under Article 14 by the Supreme Court and its impact on the other provisions of Part III of the Constitution ? Refer to latest case laws. 10
4. (a) "Ownership is a right, indefinite in point of time, unrestricted in point of disposition and unlimited in point of duration over a determinate thing." Do you agree with this statement ? Critically analyse the concept of ownership. 10

- (b) Discuss the object of protection available to the minorities under the Constitution. What test has been laid down for determining the status of a minority based on religion and language under Article 30 of the Constitution ? Whether minority institutions are exempted from providing SC/ST and OBC reservations ? 10
5. (a) What are the documents included under 'Record of Rights and Documents' ? Discuss the procedure relating to preparation of 'Record of Rights' referring to relevant provisions of the HP Land Revenue Act, 1953. 10
- (b) "Man is by nature equal and free and that only in a communist society would be able to realize his true self." Discuss the different doctrines regarding the nature of law as propounded by Karl Marx. 10

6. (a) (i) Discuss the powers and functions of Revenue Officers for prevention of encroachments on land. Can a revenue Officer bid for purchase at auction of building ? 5
- (ii) Discuss the classes of 'Revenue Officers' under the HP Land Revenue Act, 1953. 5
- (b) Discuss the economic approach developed by Karl Marx in defining Law. Does it have any significance in the present day context ? 10
7. (a) Explain the provisions relating to 'partition' under the HP Land Revenue Act, 1953. 10
- (b) Discuss the procedure of appointment, powers and functions of the 'Village Officers' and 'Nambardars' under the provisions of the HP Land Revenue Act, 1953. 10

8. (a) Explain the scope of 'Freedom of the Press' guaranteed under Article 19(1)(g) of the Constitution of India. What is the legality of sting operation in India ? Discuss with the help of decided cases. 10
- (b) Write detailed notes on the following :
- (i) Legal Personality 5
- (ii) Precedent as a source of law. 5