

[This question paper contains 4 printed pages]

Roll No.	
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**ASME-24BC-LAW-I**  
**LAW (PAPER-I)**

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Time Allowed: 3 Hours

[Maximum Marks: 100]

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**QUESTION PAPER SPECIFIC INSTRUCTIONS**

Please read each of the following instructions carefully before attempting questions.

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

1. (a) On January 1, 2024, Mr A found an envelope lying on the roadside during his morning walk. No address or identification mark was on the envelope. He tried finding the owner for a few days but found none. After a month, his son Mr Y, who used to look after his father's financial matters, saw the envelope, opened it, and found the bearer's cheque for five lakh rupees. He encashed the same and appropriated the amount for regular family expenditures. Both Mr X and Mr Y were prosecuted for criminal misappropriation under Section 403, Indian Penal Code, 1860. Against the prosecution, both argued about the absence of *animus domini* towards the cheque. 5
 

From the perspective of the given factual matrix, discuss the concept of possession. [Section 403 of India Penal Code, 1860 reads: “*whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.*”]
- (b) What is the ‘*continuing mandamus*’? Discuss the reasons, rationale and judicial history of the development of ‘*continuing mandamus*’ in India. 5
- (c) “According to Marx and other communist philosophers, ‘fetish character’ is a defining quality of the commodity.” Explain with suitable reasons. 5
- (d) Discuss the powers of collector under the Himachal Pradesh Land Revenue Act, 1954. 5
2. (a) Discuss the tenets of ‘*Utilitarian Individualism*’. What role is proscribed for the state towards the market under ‘*Utilitarian Individualism*’? Explain with a suitable illustration. 7
- (b) What is the catch-up rule? Discuss the legal position of consequential seniority from the perspective of Article 14, Constitution of India. 7
- (c) What is the class character of law? How would the Marxist philosophers explain the legal system of India? Substantiate your answer with suitable reasons and arguments. 6

3. (a) “Austin’s focus on *command* and segregation of morality from the law cannot be tuned with present legal set-up”. In light of the statement, critique Austin’s Theory of Law with suitable reasons. 7
- (b) “Horizontal reservations, by nature, are not inviolate pools. They are premised on their overlaps and are ‘interlocking’ reservations. As a sequel, they are to be calculated concurrently and along with the inviolate ‘vertical’ reservation quotas.” What is the horizontal reservation? Does horizontal reservation cut-across all the vertical categories? Explain with the help of suitable illustrations and judicial decisions. 7
- (c) According to Marxist Philosophy, a state could be defined as “political power, properly so called, is merely the organised power of one class for oppressing another”. Considering the statement, describe the ‘state’ from the perspective of Marxist Theory. 6
4. (a) According to Burke, a jurist from Historical School, ‘*law is the product of a gradual and organic process*’. Considering the statement, and with the help of any Indian legislation, discuss the origin and development of law as described by the Historical School of Jurisprudence. 7
- (b) “Right to life is not mere animal existence. It means an includes all the rights which make life dignified.” Discuss the emerging judicial expansion of the right to life as enshrined under Article 21 of the Constitution. 7
- (c) Exploring the class character of law, write a critique of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, from a Marxist perspective. 6
5. (a) Sociological school has been considered as the biggest critique of ‘legal formalism’. Explain with reasons and provide at least two suitable judicial discourses from Indian Courts to substantiate your answer. 7
- (b) “The right to administer [a minority educational institution] does not include maladministration.” From the perspective of religious minorities and their right to administer minority education institutions, discuss the scope of Article 30 of the Constitution. 7
- (c) Discuss preparing and revising the records of rights under the Himachal Pradesh Land Revenue Act, 1954. 6
6. (a) Discuss the evolution of legal personality with suitable illustrations. Explain the ‘concession theory’ of corporate personality. 7

- (b) What are the conditions/circumstances under which a decision made by an administrative authority with quasi-judicial power will be the subject of judicial review? Discuss the jurisprudence developed through Article 14 of the Constitution. 7
- (c) What are the rules regarding the exclusion of jurisdiction of Civil Courts under the Himachal Pradesh Land Revenue Act, 1954? 6
7. (a) Under what conditions will certain practices not be considered custom and thus be devoid of any force of law? Substantiate your answer with judicial decisions. 7
- (b) Mr X, a senior political personality, makes hate speeches against a targeted community to gain political mileage. The Police make arrests and prosecute him under the penal laws. He filed a petition before the apex court claiming that his speeches never resulted in any violence, and hence, all criminal proceedings against him are unconstitutional. He has a fundamental right to freedom of speech and expression, and his all-non-violent speeches are protected under Article 19 of the Constitution.” Explain the scope of hate speech protection under Article 19 of the Constitution. 7
- (c) What is the rule regarding the presumption of ownership of forests, quarries, and wastelands under the Himachal Pradesh Land Revenue Act of 1954? 6
8. (a) Explain the concept of *Grundnorm*. Theoretically, what would be the *Grundnorm* under the Indian Legal System? Substantiate your answer with suitable legal provisions 7
- (b) What is the meaning and scope of the expression ‘state’ under Article 12 of the Constitution? Could a body established under the Society Registration Act performing a public function could fall under the definition of state? Explain with the help of judicial decisions. 7
- (c) Write a short essay on assessing land revenue as prescribed under the Himachal Pradesh Land Revenue Act, 1954. 6

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