



[This question paper contains 03 printed pages]

Himachal Pradesh Administrative Service Combined Competitive (Main /
Written) Examination, 2020

LAW (PAPER-I)

Time allowed: Three Hours

Maximum Marks: 100

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 in English.
3. Question No.1 is compulsory. Out of the 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 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.

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1. (a) “Pound’s theory of social-engineering’ is an act of balancing the competing interests of various members / groups of the society”. Critically examine the statement in the light of some recent legislation passed by Indian Parliament. (6)
 - (b) “In view of the fact that the state is weathering away most of its functions in favour of private entities, the scope of Article 12 is required to be re-considered”. In the light of the statement critically examine the scope of the expression ‘other authorities’ of Article 12 of the Constitution. (6)
 - (c) “It is not the consciousness of men that determines their existence, but on the contrary, their social existence determines their existence.” In the light of the statement, critically analyse the Marxist approach towards the framing of law. (4)
 - (d) Write a short note on assessment and collection of land revenue under the Himachal Pradesh Land Revenue Act, 1954. (4)

2. (a) “Constitutional law, which seeks to limit the sovereign power is seen as mere ‘guide’ or ‘positive morality’, and thus does not fall within the category of laws properly so-called from a positivist viewpoint.” Critically examine the statement from Austin’s analytical school of jurisprudence. (6)
- (b) “The varying needs of different people require different treatment by law. Thus, when law treats different people differently, it does not offend Article 14.” Discuss the tests evolved by the Supreme Court of India for deciding the constitutionality of legislative classification. (6)
- (c) Describe the stages of economic development as propounded by Karl Marx. (4)
- (d) Discuss the powers and functions of the Financial Commissioner under the Himachal Pradesh Land Revenue Act, 1954. (4)
3. (a) “Savigny’s *Volkgeist* theory provides an alternative approach towards understanding of law and its development.” Explain in context of the development of India’s legal system. (6)
- (b) Whether creation of quota / reservation on the basis of residence is permitted under the Constitution? Explain in the light of judicial decisions. (6)
- (c) “Marxist approach towards understanding the needs of different groups of society has influenced the law reforms in India.” Critically examine the statement and support your answer with suitable examples. (4)
- (d) What is the role of Settlement Officer under the Himachal Pradesh Land Revenue Act, 1954. (4)
4. (a) Discuss the role of custom as a ‘source of law’? Describe the essentials of a valid custom. (6)
- (b) Whether amendment of the constitution made under Article 368 comes under the definition of law as provided by Article 13? Discuss and support your answer with the judicial decisions. (6)
- (c) Explain the Marxist theory of the state? (4)
- (d) Write a short note on demarcation of boundaries under the Himachal Pradesh Land Revenue Act, 1954. (4)
5. (a) What is *stare decisis*? Does *stare decisis* rule affect the supremacy of Parliament? (6)
- (b) “There is no limitation in regard to the kind of proceedings envisaged in clause (1) of Article 32, except that the proceedings must be ‘appropriate’, and this requirement of appropriateness must be judged in the light of the purpose for which the proceedings is to be taken.” In the light of the statement discuss the innovations

- done by the Supreme Court with respect to use of Article 32 in the enforcement of fundamental rights. (6)
- (c) What is Marx's dialectical materialism? Explain with suitable examples. (4)
- (d) Describe the categories of land which are not covered under the Himachal Pradesh Land Revenue Act, 1954. (4)
6. (a) Discuss the elements of a legal right. What is imperfect right? Explain with suitable examples. (6)
- (b) Whether the state can impose prohibition on fundamental right to freedom of speech and expression in the name of "reasonable restriction" as enshrined in Article 19(2)? Support your answer in the light of recent decisions of the Supreme Court with respect to complete shutdown of the internet. (6)
- (c) "Marxism in theory as well as in practice could never provide a primer for constitution based representative democracy." Comment. (4)
- (d) Discuss the procedure for determination of disputes relating to Records-of-rights under Himachal Pradesh Land Revenue Act, 1954. (4)
7. (a) Who is the legal person? Discuss the scope of 'fiction theory' in creating a corporate personality. (6)
- (b) "Every religious activity is not necessarily protected under Article 25 of the Constitution." In the light of the statement, critically examine the contours of 'essential practices test' as propounded by the Supreme Court of India. (6)
- (c) According to Marx, state and law are temporary phenomena. Within socialism, a state is necessary to ensure that society functions "for the many, not the few". Critically examine the Marxist opinion about the state. (4)
- (d) What is 'Standing-Records' under the HP Land Revenue Act, 1954. (4)
8. (a) "Law, whether in statutes or in cases, is not suggestive, but always imperative in expression." Explain. (6)
- (b) Police apprehended Mr. X for alleged offence of sending of porn messages to the victim. It took possession of his smartphone and directed him to provide the password to open the phone. Accused refuses to share the password, claiming the right against self-incrimination. Discuss the legality of his claim and support your answer with relevant decisions of the Supreme Court of India. (6)
- (c) "Law is an expression of the ideological will of the dominant class." Comment. (4)
- (d) Outline the brief legal history of Himachal Pradesh Land Revenue Act, 1954. (4)
