Odisha Judicial Service (Mains) 2012

Jurisprudence and Constitution of India · optional paper

JS – 12/7 · 3 hours · 150 marks

Answer six questions, selecting three from Section A and three from Section B.

Section A

1. Explain the importance of the historical school of law in the present day context. [25 marks]

2. Write notes on the following :
(a) Two principles of Justice evolved by John Rawls
(b) Comparison of 'Rule of Recognition' with 'Grundnorm' [25 marks]

3. Define Law. Distinguish between law and morals. [25 marks]

4. Discuss the importance of Precedent as a source of law. Mention some circumstances which increases the authority of a precedent [25 marks]

5. Rights and Duties are Jural Correlatives. Discuss. Mention some of the characteristics of a legal right [25 marks]

6. Define the term 'person' and distinguish between 'natural' and 'legal' persons. Mention two circumstances in which beasts may be thought to persons legal rights. [25 marks]

Section B

7. 'All laws in force in the territory of India immediately before the commencement of the constitution, in so far as they are inconsistent with the provisions of this part, shall to the extent of such in consistency be void.'Attempt an exhaustive analysis of the above constitutional provision. [25 marks]

8. The Right to Education has been conferred the status of a fundamental right. Discuss the constitutional significance of the amendment incorporating right to education as a fundamental right. [25 marks]

9. Article 39A of the Constitution of India provides for Equal Justice and Free Legal Aid. Attempt an analysis of the aforesaid provision and its impact on the working of the Constitution. [25 marks]

10. The President of India can seek advisory opinion of the Supreme Court as certain matters. Examine the above in the context of Article 143 (1) and (2) of the Constitution. [25 marks]

11. Attempt an exhaustive analysis of the law of detection in India as provided for under the Tenth Schedule. [25 marks]

12. Discuss the extent and scope of protection provided to Civil Servants under the Constitution of India. [25 marks]