Odisha Judicial Service (Mains) 2013

Jurisprudence and Constitution of India · optional paper

JSM – 13/7 · 3 hours · 150 marks

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

Section A

1. "Like should be treated alike and not that unlike should be treated like." Elaborate the concept of equality in the background of the statement. [25 marks]

2. Examine different facets of right to life and liberty. Cite recent case laws. [25 marks]

3. How independent is Indian Judiciary ? Examine the factors which seek to protect the independence of judiciary. [25 marks]

4. Trace the development of 'basic structure' theory. Is it a limitation on the amending power of the Parliament ? Examine. [25 marks]

5. 'The emergency provisions are the merit of the Constitution for strict application of federal principles of the Constitution.' Discuss. [25 marks]

6. Discuss the pardoning powers of the President. Is it subject to judicial review ? Cite cases. [25 marks]

Section B

7. Make a comparison of precedent and legislation as sources of Law. Which, according to you, is the effective source and why ? [25 marks]

8. Evaluate the contributions of HLA Hart to Analytical Jurisprudence. [25 marks]

9. Examine the concept of 'Rights' in its wider sense of the term as propounded by Hofeld. [25 marks]

10. Who are Legal Persons ? Examine the legal status of 'Dead Person' and 'Animal'. [25 marks]

11. Define 'Property'. Discuss various kinds of property. [25 marks]

12. Examine the characteristics of 'Ownership'. Add a critical note on difference between 'Ownership' and 'Possession'. [25 marks]