Odisha Judicial Service (Mains) 2014

Jurisprudence and Constitution of India · optional paper

3 hours · Full marks: 150

The questions are of equal value. Answer six questions, selecting three from Section–A and three from Section–B.

SECTION—A

1. Examine the freedom of religion under the Indian Constitution. Can the state spend revenues to maintain a Hindu temple?

2. Define the term “State” with reference to Part - III (Fundamental Rights) of the Constitution.

3. What is meant by Parliamentary Privileges? How far is it available in India? Are Fundamental Rights subordinate to Parliamentary Privileges? Discuss with the help of decided cases.

4. “In the scheme of distribution of legislative powers, the Constitution of India has maintained predominance of Parliament and the judiciary has also generally supported this stand.” Explain with the help of decided cases.

5. Discuss the main characteristics of the Constitution of India and point out how far is it federal in character.

6. “With the adoption of Parliamentary form of Government the ‘Vesting Clause’ in Article 53(1) remains to a great extent meaningless as the real executive power lies in the Ministry headed by the Prime Minister.” Critically examine the above statement in the light of controversy pertaining to status and position of the President under Indian Constitution.

SECTION—B

7. Critically examine the theory of "Volksgeist” propunded by Savigny.

8. Write an essay on the revival of natural law theory in the 20th Century with special reference to the view of Stammler.

9. Discuss the characteristic features of the sociological school of Jurisprudence.

10. “Possession is the Prima facie evidence of ownership.” Discuss.

11. Discuss different theories of punishment. Which theory of punishment do you regard as the best theory and why? Give reasons for your answer.

12. “Rights and duties are coextensive.” Discuss.