Odisha Judicial Service (Mains) 2015

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. "The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India." Explain. Also state the distinction, if any, between equality before law and equal protection of the laws.

2. How are legislative powers divided between Union and States? In what circumstances is Parliament empowered to legislate on a state subject included in the State list?

3. What are the restrictions on the Power of President or Governor to dismiss a Government Servant under Article 311 of the Constitution? Discuss.

4. Discuss the circumstances in which the Proclamation of Emergency may be made. What will be its effects upon the Centre-State relations? Discuss.

5. "No person shall be deprived of his life or personal liberty except according to procedure established by law." Discuss.

6. "Basic-structure theory is a judicial innovation, it has not been mentioned in the text of the Constitution." Comment. Discuss the concept of basic-structure with the help of decided cases.

SECTION—B

7. It is said that rights are legally protected interests. Discuss. Are there such things as natural rights? Explain.

8. Explain Pound's Theory of Social Engineering with the help of illustrations.

9. State the shortcomings in the definition of law given by Austin. How far Hart has been able to remove them in his own definition of law? Discuss.

10. Distinguish between Law and Morals. Discuss the view of jurists of natural law school and positivist school about relation between law and morals.

11. Explain the characteristics of ownership and also discuss its different kinds.

12. Briefly discuss the various theories of legal personality. What is the position of an unborn child in this regard?