Odisha Judicial Service (Mains) 2022

Jurisprudence & Constitution of India · optional paper

3 hours · Full marks: 150

The questions are of equal value. Answer six questions, selecting three questions from each Section.

SECTION—A

1. Explain the relationship between Fundamental Rights and Directive Principles of State Policy in the light of latest judicial decisions. Can supremacy be given to the Directive Principles of State Policy over Fundamental Rights?

2. Examine the concept of Basic Structure of the Constitution. Argue for and against the concept of Basic Structure in the context of power of the Parliament to amend the Constitution.

3. "New frontiers of justice have been spelt out of the Article 21 of the Constitution." Discuss and refer to decided cases.

4. Discuss the provisions of the Constitution of India dealing with failure of constitutional machinery in States in the light of the Supreme Court's decision in S. R. Bommai vs Union of India (1994).

5. Discuss the constitutional safeguards in matters of employment provided to the Civil Servants. Can the right of natural justice given to a civil servant be terminated? Refer to decided cases.

6. What are Parliamentary Privileges? What privileges have been given to the Legislative Houses in India? Are Fundamental Rights being subordinate to Legislative Privileges?

SECTION—B

7. Discuss Austin's Theory of Law and point out the limitations of his theory.

8. What are 'Jural Postulates'? Discuss the Social Engineering Theory of Law propounded by Roscoe Pound.

9. What do you understand by 'Precedent'? While explaining different kinds of precedent, evaluate the merits and demerits of precedent as a source of law.

10. Explain the famous dictum of Henry Maine that "The Movement of a Progressive Societies has hitherto been a movement from status to contract".

11. What do you understand by the term 'Liability'? While enumerating various kinds of liabilities, differentiate between Civil and Criminal liabilities.

12. "Possession is the evidence of ownership unless contrary is proved." While commenting on this statement, define possession and enumerate its kinds.