

HONS. 09 / 014 / 19

B.A., LL.B. (Hons.) DEGREE NINTH SEMESTER EXAMINATION,
NOVEMBER 2019

COMPARATIVE CONSTITUTIONAL RIGHTS ADJUDICATION

Time: 3 Hours

Maximum Marks: 50

Answer Any 5 Questions. Each Question Carries 10 Marks

1. *The Directive Principles of State Policy of Indian Constitution have incorporated points from the Constitution of Ireland which is itself an end result of copying Spanish Constitution. The soul of the Constitution is that Fundamental Rights are above Directive Principles and in case of any conflict between the two former should be accorded priority or the later.” Critically examine the statement.*
2. There is a compelling state interest in protection of life of the foetus over the right of privacy of the mother. Discuss in the light of abortion laws in India, US and Ireland.
3. Examine the standard of reasonableness as adopted by the courts in India and the US with respect to the fundamental right of equality and equal protection of laws.
4. Examine obscenity as a restriction on free speech under the 1st amendment of the US Constitution.
5. *There is no way to really do it right. The final decision has always come down to the members of our (Supreme Court) as to whether someone should live or someone should die ...” Examine the scope of judicial discretion in imposition of death penalty in US and India.*
6. *Hate speech that has now become a fashion and a short cut to get publicity, poses vexing and complex problems for contemporary constitutional rights to freedom of expression.” Examine the statement in the light of cases in USA and South Africa.*
7. Hohfeld presents us with an analytical scheme which splits rights into four different categories of jural relationships and exemplifies a number of analytical distinctions between various legal positions. Explain
8. Discuss the IPC provisions relating to free speech restriction under 19 (2). Enumerate case laws when necessary.
