

HONS. 09/004/24

**B.A.LL.B., (Hons.) DEGREE NINTH SEMESTER EXAMINATIONS,
NOVEMBER 2024**

COMPARATIVE CONSTITUTIONAL RIGHTS ADJUDICATION

Time: 3 Hours

Maximum Marks: 50

ANSWER ANY 5 QUESTIONS. EACH QUESTION CARRY TEN MARKS (5*10 =50 MARKS)

- I. The state of Quesec passed a new law, where clinics providing abortion facilities and care , must meet certain standards, such as , having provisions for admissions and a bed capacity of 500 . Owing to these strict conditions, a large number of clinics were closed down in the state and women seeking abortion had to bear extra expenses and travel to the nearby state, Yellow. Apart from that, many small, illegal, unsafe clinics opened up , increasing the female mortality rate in the state of Quesec. X, a 25-year-old woman , who was 12 weeks pregnant , filed a case before the Supreme Court of Quesec, challenging the new abortion law, claiming that it was against her fundamental right to bodily autonomy and choice. Decide the matter as a constitutional bench, with the majority, concurring and dissenting opinions. Refer to US, Indian and ECHR decisions.
- II. In the state of Kelsa the government notifies a regulation whereby women are not allowed to work in places serving alcohol. An NGO challenges the regulation as being discriminatory on the grounds of sex and gender. The State takes the argument of protective discrimination and the need to protect women in such places. Sit as a division bench of the Kelsa High Court and decide the matter. Draw a comparison with USA and South Africa
- III. Explore the concept of Lockian rights and social contract theory. How far has this theory influenced the concept of negative liberty as one can notice under the US bill of rights and Part III of the Indian Constitution?

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- IV. It took India decades to make shift from the Hicklin test to the contemporary community standards test in obscenity cases. Examine the stance of the Indian judiciary with respect to morality as a restricted on free speech and draw a comparison with other countries.
- V. Write a note on Hohfeldian compounds and how it is reflected under PART III of the Indian Constitution
- VI. What are the various Standards of review adopted by the Courts in Fundamental Rights Adjudication? Examine the concept of burden of proof and presumption of constitutionality generally with respect to the above.
- VII. Write short notes on the following;
- a) Constitutional morality
 - b) Transformative constitutionalism
- VIII. X made a short film, that shows mother Teresa to be involved in sexual activities with Jesus Christ. There is a particular scene where she tries to seduce Christ on the Cross. This film was banned by the government under provisions of CrpC and FIRS were registered against the producer and author of the fil on grounds of blasphemy and obscenity. The author and producer of the film approaches the High Court claiming that their right to free speech and expression has been violated. Decide the matter.
