



UNIVERSITY WITH A PURPOSE

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, December 2021**

**Course:** Comparative Constitutional Law

**Course Code:** CLCT4002

**semester:** VII

**Time:** 3hours

**Programme:** BA.LLB

**Instructions: All the questions are compulsory.**

**SECTION A**  
*(Type the answers in test box)*

5Qx2M=10 Marks

Q. No.	Write a short note on the following:	Marks	CO
1.	Global South	2	1
2.	Liberal Constitutionalism	2	1
3.	Small N studies	2	1
4.	Comparative Legal Method	2	1
5.	Transformative Constitutionalism	2	1

**SECTION B**

4Q x5M=20 Marks

Q. No.	Write Short notes on:	Marks	CO
6	In Pritam Baruah's article 'Human Dignity in Indian Constitutional Adjudication', comment on how the courts navigated the 'Right to Dignity' and the criticism of the same.	5	2
7.	How universal is comparative constitutionalism?	5	2
8.	Universalist and Expressivist interpretations are sometimes adopted as approaches to comparative constitutionalism. Expound on these approaches.	5	2
9.	Expound on the concept of Constitutionalism.	5	2

**SECTION-C**  
*(Scan and upload)*

2Qx10M=20 Mark

Q. No.		Marks	CO
10.	<i>Sujit Chaudhary</i> in 'How to do Comparative constitutional Law in India' writes about the influence of comparative material on the ruling in <i>Naz Foundation</i> case. Deliberate on the role courts have played in using comparative constitutionalism as a tool in interpreting the Indian Constitution.	10	3
11.	"Existential tensions have characterized comparative constitutional studies from the dawn of the 20th century onward" notes <i>Ran Hirschl</i> in 'Comparative Matters'. Elucidate on these existential tensions and also comment on the impact it has had on the discipline.	10	3

**SECTION-D**  
*(Scan and upload)*

2Qx25M =50 Marks

Q. No.		Marks	CO
12.	Comparative Constitutional Law scholarship has often faced questions on its methodological principles of controlled comparison, research design, and case selection that are deployed in the human sciences. Most scholarships have followed the following kinds of case selection: (i) the “most similar cases” principle; (ii) the “most different cases” principle; (iii) the “prototypical cases” principle; (iv) the “most difficult case” principle; and, (v) the “outlier cases” principle. Elucidate on the usages/ merits of each.	<b>25</b> <b>(5 marks each)</b>	CO4
13.	<p>“The Global South and Comparative Constitutional Law” by <i>Oxford Comparative Constitutionalism</i> speaks about the underrepresentation of the Global South in the Constitutional Conversations. It continues that “we contextualize, describe, and frame this Southern turn in comparative constitutional scholarship. Our argument has three elements: first, we observe that ‘Global South’ has already become a term used productively in neighbouring disciplines and legal scholarship, even though in very different and sometimes under-theorized ways. From this follows the question of how we could make sense of the notion in comparative constitutional law”</p> <p>Also elaborate on the implication of this turn to Global South has on the comparative constitutional scholarship.</p> <p>Finally, comment on the influence of the Global North Constitutions had on the Indian Constitutions and whether it has helped achieve Indian aspirations.</p>	<b>25</b> <b>(10+15)</b>	CO4