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**FOREWORD**

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It is with great pleasure that we bring to you Volume 3.4 of the Comparative Constitutional Law and Administrative Law Quarterly. This edition comprises an extremely diverse selection of articles from Indonesia and Portugal, besides India.

In *'The Uncertain Regulation of Hate Speech by the Supreme Court,'* Agnidipto Tarafder analyses the Supreme Court's interpretation of the words "in the interest of...public order" in Article 19(2) of the Constitution, arguing that the Court's stance has fluctuated. After a detailed examination of the Supreme Court's case law, the author suggests that this inconsistency is due to a legislative vacuum, which allows the subjective determination of those on the bench to define the extent of the right to free speech. The solution, it is concluded, is a legislative policy which could guide the judiciary as well as citizens.

The landmark judgment of *Kesavananda Bharati v State of Kerala* laid down the famous 'basic structure' doctrine which limited the ability of the legislature to amend the constitution in India. The next article is about parallels in other countries. In *'The Existence of the Unamendable Provision of the Unitary State of the Republic of Indonesia: The Role of the Constitutional Court,'* Abdurrachman Satrio adopts a comparative approach, discussing the limits on the power of legislatures to amend constitutions in various jurisdictions, such as Turkey, Germany and France. After analyzing case law from each of these jurisdictions, the author considers whether it is possible to apply the doctrine of "unconstitutional constitutional amendment" in Indonesia as well.

In *'Speedy Trial in India: Creation, Chaos and Institutional Choices,'* Sharad Verma analyses how even in the absence of an express constitutional guarantee, the Supreme Court has evolved a right to speedy trial, which however has been undermined by highly discretionary laws. With extensive reference to Canadian and American case law, the author discusses the essential choices that can be referred to by Indian Courts when dealing with institutional delays, arguing for an oversight mechanism which could potentially reduce arbitrary arrests, thereby reducing pendency as well. Reference has also been made to the recent judgment in *K.S Puttaswamy* and what it could mean for the criminal justice system.

In *'Aspirational Constitutionalism, Social Rights Proximity and Judicial Activism: Trilogy or Trinity'* Catarina Botelho discusses aspirational constitutionalism, a process where constitutional

decision makers define a country in terms of its future goals. The author examines the debate as to whether social rights belong to the constitutional text, arguing that liberty and social rights cannot be successfully compartmentalized because they are “deeply interconnected and mutually dependent.” The author then analyses the scheme of the Portuguese constitution, and goes on to discuss judicial activism with reference to the Portuguese Constitutional Court’s rulings in relation to austerity laws and the right-to-health litigation in Brazil.

CALQ, being a quarterly, constantly requires the editorial board to toil in its pursuit of excellence, and the success of the journal is the result of the colossal efforts of the Board. We also express our gratitude for the consistent support and guidance extended by our Chief Patron, Prof. Poonam Pradhan Saxena and our Director, Prof. I.P. Massey. We hope to continue providing a platform for scholars to debate new ideas and concoct differing views and opinions on the various facets of Constitutional Law and Administrative Law. CALQ is a relatively young journal, and we hope to continue to carry rich analysis, reach out to more jurisdictions and foster debate on contemporary constitutional and administrative law issues. To this end, we are keen to receive any comments or criticism and look forward to hearing from anybody who may have something to share with us in this regard.

Ragini Gupta  
(Editor in Chief)