

2012

**FEDERALISM UNDER THE
CONSTITUTION OF INDIA**

Paper : 1.2

Full Marks : 80

Time : Three hours

The questions are of equal value.

Answer any five questions.

1. The classical concept of Federalism as found in the USA has been replicated in different countries with suitable modifications to meet the requirements of the federal character in their respective countries.

The founding fathers too provided to the people of India a federal constitution after looking into the then existing federal constitutions of some countries while keeping in view the demands of the people as reflected during the freedom movement.

Contd.

In view of the above, do you agree with the contention of H. M. Seervai that federalism in India is mainly historical. Justify with reasons:

Or

The Government of India Act, 1935 on being passed by the British Parliament was criticized by many Indian leaders as having failed to reflect the desires and aspirations of the peoples. Subsequent developments have, however, according to some, lead to the conclusion that many of those federal characteristics find reflection in the Constitution of India.

Do you agree with the above observation? Justify your answer with reasons and illustrations.

2. Transgression in the legislative sphere may be patent, manifest or direct but it may also be disguised, covert or indirect.

Does all such transgression amount to colourable legislation within the ambit of centre-state relations. Discuss with the help of decisional laws from the Supreme Court.

Or

With regard to Centre-State Financial relations the Justice Venkatachaliah Committee has called

for a defacto enumeration of services that can be taxed exclusively by the States and observed that the same should get priority from policy makers with a view to augmenting the resources pool of the States.

State to what extent it will lead to promotion of centre-state relations and the manner in which this would be feasible.

The issue of National Counter Terrorism Centre has evoked much debate on the issue of federal character of the Constitution with many State governments opposing it with others calling for sufficient cushioning for providing the states with a say in the event of any such operation.

Analyse the same by reflecting to specific provisions of the Constitution relating to the scheme of cooperative federalism. Do you feel that cooperative federalism will become a casualty in the event of introduction of any such provision as contemplated in its existing form.

Or

In a federal form of government, the federal government and the federated states act side by side; inevitably relations exist and arise amongst them and their instrumentalities to promote inter-governmental cooperation.

Examine the factors that lead to cooperative federalism as well as those that hinder it. Substantiate your answer with reasons and decisions.

The object of Article 301 of the Constitution of India is to ensure that economic unity of India is not broken up by interest burden. Elucidate with the help of case laws.

Or

Discuss the provisions of freedom of trade, commerce and intercourse as laid down under the Constitution of India. Discuss the history behind the insertion of the provisions in the Constitution.

State the circumstances under which an emergency can be declared in India under Article 352 of the Constitution of India.

Do you feel that the 44th Amendment to the Constitution of India has gone far enough to prevent abuse of the emergency provisions under the Constitution?

Or

Attempt a critique of the Emergency provisions under the Constitution of India by reflecting upon the observations of the Sarkaria Commission and the Venkatachaliah Commission.

Commerce Point