

Total number of printed pages-5

14 (LLM-1) 1.2

2016

**FEDERALISM UNDER THE  
CONSTITUTION OF INDIA**

Paper : 1002

Full Marks : 80

Time : Three hours

***The questions are of equal value.***

1. What do you mean by Federalism? Trace the history of Federalism in India. Do you think that the concept of Federalism as originally envisaged find reflection in the Constitution of India? 16

**Or**

The Constitution of India can be said to be both Unitary as well as Federal according to the requirements of time and circumstances. Do you identify yourself with the aforesaid view. Justify with the help of detailed reasoning.

*Contd.*

2. A healthy federal democratic republic primarily functions on the foundation of the Constitutional structure reflecting the ethos and aspirations of its people through a facilitative process.

In the contextual settings the centre state relation has largely been worked at effectively for its uniqueness in being able to maintain a balance despite the delicate fabric of language, religion and diverse culture. Elucidate and embellish your answer with adequate reasons. 16

3. Federalism has come to be understood as a dynamic process of co-operation and shared action with the increasing interdependence and centralist trends. The antiquated concept is nowhere a functional reality, not even in classical federal models.

Analyse the concept of Federalism prevailing in India in the contextual settings. 16

**Or**

"In order to reduce tension or friction between states and the Union... the desirability of prior consultations by the Union Government with the interstate council may be considered before signing any treaty vitally affecting the interests of the states regarding matters in the state list".

Do you agree with the above proposition? In your estimation, can such a measure lead to promotion of cooperation? Explain in detail.

4. The makers of the Constitution of India while Framing Article 301 had before them the experience of other countries, particularly that of the USA and Commonwealth of Australia. The latter model provided that "on the imposition of uniform duties of customs, trade, commerce and intercourse, among the states, whether by means of internal carriage or ocean navigation, shall be absolutely free". The words 'among the states' and 'absolutely free' as contained there in have been replaced by the words 'throughout the territory of India' and "free" respectively in Article 301, thereby extending the freedom to intra state trade and commerce. Attempt an exhaustive analysis of Article 301 referring to the Constituent Assembly debates as well as decisional laws. 16

**Or**

It has been suggested by the Venkatachaliah Committee that for the purpose of eliminating barriers to inter-state trade and commerce, parliament should by law,

establish an authority called the "Inter-State Trade and Commerce Commission" under the Ministry of Industry and Commerce.

How far, such an approach can help in promoting trade, commerce and intercourse? Explain in detail. 16

5. Provisions for proclamation of emergency have been laid down under the Constitution and the same has come in for amendment and interpretation by the judiciary.

Subsequent to the Constitution Forty-fourth Amendment, a couple of important decisions have been delivered by the apex court, including there of Minerva Mills and S. R. Bommai.

By referring to the above decisional renderings, can you assert that proclamation of emergency under Article 352 is reviewable by the courts.

Elucidate with reasons.

Or

Centre State relations stand modified in their ambit under certain circumstances, though meant as temporary measures as laid down under the Constitution. One such provision happens to be the invocation of President's rule under Article 356 of the Constitution.

This being a gray area thus far has evoked much concern and has been subjected to judicial review in recent times. Consider the impact of such recourse in recent times on the centre-state relation in the context of the current imbroglio in the state of Uttarakhand.

What mechanism do you suggest at possible remedial action? The process of such action may be suggested.