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14 (LLM-1) 1002

2018

**FEDERALISM UNDER THE  
CONSTITUTION OF INDIA**

Paper : 1002

Full Marks : 80

Time : Three hours

*The figures in the margin indicate  
full marks for the questions.*

1. The framers of the Constitution devised a federal form of government, which can be seen from its various provisions. Mention may be made of Article 1 of the Constitution of India, provisions for centre state relations, the Seventh Schedule to the Constitution among others, though nowhere in the body of the text mention has been made of Federalism. Despite many a stalwarts, specific mention of federalism was refrained from. Drawing and deducing from the constitutional provisions attempt an evaluation of the conceptual position of Federalism under the Constitution of India. 16

Contd.

Various provisions of the Constitution of India enumerate the structure of the government in the country. The core document has facilitated by and large a smooth working of the federal structure, though certain gray areas have emerged as matters of concern. Notwithstanding the minor aberrations, which can be redressed, attempt an analysis of the functioning of the government within the ambit of parameters of the provisions laid down under the Constitution.

16

2. A pragmatic balance in the sphere of centre state relations has been provided for under the Constitution of India, particularly in the arena of legislative relations. Do you subscribe to the aforesaid view? Attempt an analysis of the relevant provisions in justification of your views with the help of the wealth of decisional laws on this score.

16

During the colonial regime under the British, particularly under the Government of India Act, 1935, discord was witnessed in the matter of the residuary powers, prompting the Constituent Assembly to address the issue in proper perspective.

Discuss the significance of Residuary Powers as laid down in the Constitution of India referring to instances of its utility or otherwise. State instances, if any, of its use or misuse. Do you consider it to be against the federal character of the Constitution? Support your contention with justification.

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3. Recognizing that it is not possible for states in present times to accept a classical form federal structure the Constitution of India has laid down provisions for cooperative federalism.
- Discuss the concept of cooperative federalism that exist in India taking recourse to concrete constitutional provisions.

16

OR

The judiciary in India has been called upon to reflect on the contentions between the Union and the states or the states interse in matters relating to centre state relations covered under the scheme of cooperative federalism.

Reflecting upon the decisional laws, discuss the constitutional scheme based upon the laid down directions, if any. 16

4. A national economic fabric aims to remove impediments in the way of inter state trade and commerce.

Does the Constitution of India strives to do so? If so, state the manner and extent to which it is ensured. Refer to the relevant provisions in this regard.

OR

Barriers of trade being faced in the country has partly contributed to various measures, resulting in amendments to the Laws and the Constitution being effected.

Of late, this has resulted in introduction by the Government of GST. Despite

implementation, certain nitty gritty are being addressed to remove appurtenant problems associated with the new law.

Reflect upon the new law under the constitutional scheme of federal structure and state whether it will promote or retard adherence to the federal structure. Embellish your answer with reasons. 16

5. Growth of a country is very much facilitated by its constitutional provisions as well as the laws. Hence, every country desires its constitution to endure after its promulgation and at the same time scope of adaptability ~~is~~ through elasticity is witnessed at times. Similarly, the Constitution of India has provided for its growth as a living organism. Similarly, at times of stress, it laid down provisions for meeting contingencies through the emergency provisions.

Do you think that the said provisions afflict the body of the noble instrument or help in tiding over situations during emergencies? Address your answer referring to past experience witnessed in the country.

OR

Aberrations notwithstanding, in the shape of emergency provisions laid down under the Constitution, the document can be said to have worked well, particularly viewed from the working of the Constitutions in her neighbourhood.

Do you agree with the above statement or feel that for the sake of maintaining integrity of the country, protect it from dismemberment, provisions have been laid down to withstand emergency situations. In such situations, do you feel it to be justified to suspend many of the fundamental rights and to work the constitution practically as a single entity on many counts. What are the limitations provided to insulate the emergency provisions from being misused?

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