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14 (LLM-1) 1-2

2019

**FEDERALISM UNDER THE  
CONSTITUTION OF INDIA**

Paper : 1002

Full Marks : 80

Time : Three hours

**All questions are of equal value.**

**Answer any five questions.**

1. Constitutional propriety and constitutional morality call for a law to be tested on the constitutional principles when there is a challenge to a federal principle to be adjudicated by the judiciary. Analyse the above keeping in mind the parameters of the federal structure under the government of India. Refer to decisional laws on the subject.

Contd.

**OR**

Trace the conceptual position of Federalism and attempt an analysis of the structure of the Government by referring to constitutional history and Constituent Assembly Debates.

2. The Centre-State relations as provided for under the Constitution has largely been worked at harmoniously weaning away from the classical concept of federalism facilitated though pragmatic approach despite deviations from time to time. Elucidate and embellish your answer with suitable illustrations.

**OR**

A healthy federal democratic republic primarily functions on the foundation of the constitutional structure reflecting the ethos and aspirations of its people through a reflective process also facilitated by the Centre-State Legislative firmament. Attempt an analysis of the constitutional scheme of centre-state legislative relations.

3. Federalism has come to be understood as a dynamic process of co-operation and shared action with ever growing interdependence and centralist trends. In the contextual setting attempt an analysis of the prevailing cooperative endeavour pointing out the strains notices of late.

**OR**

It is said that it is not possible for the States to remain in complete isolation vouching for non interference by other state and the federal government. Hence the concept of cooperative federalism.

Discuss the relevant provisions laid down under the Constitution of India.

4. For a country to grow and develop it is very much imperative that there should be a free flow of goods and services throughout the length and breadth of a country. The federal structure of the country towards that end provides for interstate trade and commerce. State the mechanism laid down under the Constitution to facilitate free flow of trade and commerce through well intended regulatory mechanisms to avoid stresses and strains.

**OR**

It has been suggested by the Venkatachaliah Commission that for the purpose of eliminating barriers to interstate 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.

Do you think that such a measure would lead to unhindered trade ? Discuss in the constitutional text.

6. Discuss the effect of proclamation of emergency as provided for under the Constitution of India. Also state the impact it would have on the provisions relating to distribution of revenues while a proclamation of emergency is in operation.

**OR**

Provisions for proclamation of emergency have been laid down under the Constitution of India and the same has been subjected to amendment.

Discuss the salient features of the amendment, visiting the reasons that necessitated such an amendment.