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14 (LLM-1) 1002

2023

**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. Fortify your answer with case laws, even though both the union and the States in India derive their powers from the same Constitution, the states would have no legal rights as against the over-riding powers of the Union. Bring out the changing dimensions of Indian Federation with a judicial assessment of the same. 8+8=16

Contd.

OR

Appreciate the historical background as to why the makers of the Indian Constitution, after initially opting for the American model adopted the Canadian model of a strong Union and even went beyond that model in accentuating the central bias. In this context, whether in your considered opinion, the Indian Constitution could be classified as a 'federal' one ? 8+8=16

2. Write short notes on : 8+8=16

- (a) Doctrine of colourable legislation
- (b) Doctrine of occupied field

OR

Discuss Inter-State Council as a means through which the Union and the State come closer to each other by voluntary association and co-operation. Discuss the issues faced by the Council and the way forward.

8+8=16

3. The framers of the Indian Constitution realized that governments in a Federation were arranged not hierarchically or vertically but horizontally that no line of command runs from the Centre to the States.

- (a) What are the factors that were responsible for this line of thought in context of co-operative Federalism ? 8
- (b) Discuss the provisions in the Constitution which are supposed to go against the Principle of Federalism. 8

OR

Write short notes on **any two** of the following : 8+8=16

- (i) All India Services
 - (ii) Doctrine of Colourable Legislation
 - (iii) Pith and Substance
 - (iv) Federalism is not static but a dynamic concept.
4. (a) Discuss the motivations and aspirations of the framers of the Constitution in drafting Article 301-305. 8

(b) Explain the concept of Regulatory and Compensatory tax as evolved by the Supreme Court with an idea to reconcile the freedom of trade and commerce with that of the power of taxation. 8

OR

Discuss in detail the parliamentary power and state power to regulate trade and commerce. Embellish your answer with judicial decisions. 16

5. When is Article 352 invoked? Discuss the scenario of invoking Article 356 after the Supreme Court's view on Bommai decision. 6+10=16

OR

Write short notes on :

(a) Distinguish between Article 352 and Article 356 8

(b) Consequences of invoking Article 356 8