

Roll No.

SCHOOL OF LAW

HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH (HILSR)

JAMIA HAMDARD, NEW DELHI

Even Semester Theory Examination, May 2025

LL.M (II Semester)

Subject: Federalism and Constitutional Governance, (LLM (C)-204)

SET-A

Date of Exam: 19/05/2025

Time: 10:00 AM to 01:00 PM

Maximum Marks-60

Instructions : 1. Write your Roll Number on the top immediately on receipt of this question paper

2. Attempt five questions selecting one from each Unit. All questions carry equal marks.

Unit -I

(12 marks)

1. "The Positive dimension of subsidiarity... centers on making it possible for persons to exercise their freedom and on the shaping of institutions that can result in social benefit." In the light of statement critically evaluate the necessity of constitutionally embedding the principle of subsidiarity to promote federalism in a democratic state. Discuss the various constitutional mechanisms (e.g., division of powers, legislative lists, or institutional safeguards) that can protect subsidiarity or foster federalism, and analyze which mechanism is most effective in balancing central authority with devolved power.

Or

2. Examine the relationship between state sovereignty and lawmaking power in the context of federalism. Critically assess the role of judiciary in safeguarding subsidiarity, drawing on examples from constitutional jurisprudence, and discuss whether an over-reliance on judicial enforcement undermines state sovereignty.

Unit-II

(12 marks)

3. Discuss the jurisdictional conflicts between Lieutenant Governors and elected governments in Union Territories, with specific reference to the *Govt. of NCT Delhi v. Union of India* (2023) judgment. How do these tussles reflect the broader challenges of India's centralized parliamentary federalism? Critically assess whether the current constitutional framework adequately balances the principles of federalism and direct democratic rule in Union Territories.

4. Examine the deliberations of the Sarkaria Commission and Punchhi Commission on the distribution of legislative powers between the Union and States under the Indian Constitution. How do their recommendations address the centralizing drift in India's federal structure, as discussed by scholars like Gautam Bhatia and Amaresh Bagchi?

Unit- III

(12 marks)

5. Critically analyze the challenges of achieving a balance between taxation powers and resource allocation in India's fiscal federalism framework, as highlighted by the Sarkaria Commission. How has the 101st Constitutional Amendment (introducing GST) reshaped Centre-State financial relations, and what are its implications for state fiscal autonomy?

Or

6. Discuss the relationship between state sovereignty and fiscal autonomy in the context of India's federal structure. Does fiscal autonomy or the ability to control a sovereign currency constitute a prerequisite for meaningful state sovereignty, as debated in the context of fiscal federalism?

Unit -IV

(12 marks)

7. Critically evaluate the concept of asymmetric federalism in the Indian context, with specific reference to the special arrangements for Jammu and Kashmir under Article 370. How has the revocation of Article 370 and the bifurcation of Jammu and Kashmir into Union Territories, as discussed by Madhav Khosla, impacted the principles of asymmetric federalism?

Or

8. Compare and contrast the concepts of asymmetric federalism and cooperative federalism in the Indian context. How do these models address the diverse needs of India's federal units, and which model is better suited to balancing state autonomy with national unity?

Unit-V

(12 marks)

9. Discuss the role of the Supreme Court in navigating the politics of governance within India's federal framework. How has the Court's resilience in maintaining the status quo shaped the dynamics of federalism, particularly in resolving disputes over legislative and executive powers between the Union and States?

Or

10. The main concern of Classical theory is not to explain the effect 'what federalism is' but rather its main concern is to explain as to what federal constitution 'ought to be'. Give a comprehensive analysis of K C Wheare that enabled him to give a comparative study of federalism and governments of United States, Canada
