

**SCHOOL OF LAW
HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH
(HILSR)**

JAMIA HAMDARD, NEW DELHI

Federalism and Constitutional Governance (FCG), July-2024

(LL.M (C) 204)

Time : 3 Hours

Maximum Marks-60

Instructions

- I. *Write your Roll Number on the top immediately on receipt of this question paper.*
- II. *Attempt five questions selecting one from each Unit. All questions carry equal marks.*

Unit -I

1. Compare the federalism-promoting and subsidiarity-protecting constitutional mechanisms in A. "Patterns of Democracy" by Lijphart and "The Principles of Constitutionalism" by NW Barber. Which procedures, and why, best guarantee the autonomy of local governments?
(12 marks)

Or

2. How does judicial enforcement underpin subsidiarity and federalism principles, as per Daniel Halberstam's analysis? Why is this enforcement crucial for preserving power balance in federal systems?

Unit-II

3. Analyze the governor's role in India's federal framework, considering Articles 245, 246, 248, and 254, and the seventh schedule. Use insights from Mahendra Pal Singh, Gautam Bhatia's works, and the case Govt. of NCT Delhi v. Union of India (2018).

Or

4. How have the Sarkaria and Punchhi Commissions' recommendations influenced legislative relations and addressed legislative dominance in India's federal structure?

(12 marks)

Unit- III

5. Examine the impact of the 101st amendment and the Supreme Court's GST judgment on state fiscal autonomy. What is Anti-Defection Law and elucidate whether anti defection can be used as a weapon against the members of political parties. Cite with the recent examples of political crisis in India.

(12 marks)

Or

6. Analyse the challenges in balancing taxation powers and resource allocation in India's fiscal federalism, as discussed by the Sarkaria Commission.

12 marks)

Unit -IV

7. . Discuss the constitutional implications of Article 370 and the bifurcation of Jammu and Kashmir, using insights from J S Agarwala and Madhav Khosla's works. Was the J&K bifurcation constitutional?
(12 marks)

Or

8. 8 Evaluate the relevance of asymmetric and cooperative federalism in the Indian context, referring to Rekha Saxena's and S. P. Aiyer's analyses. How have these federal structures impacted India's governance?

(12 marks)

Unit-V

9. Examine the role of judicial power in safeguarding federalism within the Indian context. Explore the constitutional challenges and limitations
(12 marks)

Or

10. How do the federal structures of the United States, Canada, and India differ? Discuss the role of the Supreme Court in maintaining governance balance across these nations.

(12 marks)
