



Name:

Enrolment No:

UPES

End Semester Examination, May 2023

Course: Comparative Federalism

Program: LL.B

Course Code: CLCT2003H

Semester : IV

Time : 03 hrs.

Max. Marks: 100

SECTION A
(5Qx2M=10Marks)

S. No.		Marks	CO
Q 1	Define the concept creative federalism.	2	CO1
Q 2	Why it is stated that the relationship between federalism and federation is symbiotic and each impinges upon the other in an unending fashion.	2	CO2
Q 3	Explain why the legal angle has remained quite pronounced in the study of federalism and decentralization to this day.	2	CO1
Q 4	Identify the three broad types of federations that were discussed in most of the comparative studies.	2	CO1
Q 5	Define the 'eternity clause', 'supremacy clause' and 'equalization clause'.	2	CO2

SECTION B
(4Qx5M= 20 Marks)

Q 6	Interpret William Riker's statement which proclaimed that the twentieth century was an 'Age of Federalism' which was a 'constitutional bargain'.	5	CO1
Q 7	Why did Freidrich believe that federalism is a species of the larger genus of constitutionalism and that a federal constitution was 'a subdivision of the general kind of process involved in modern constitutionalism?'	5	CO2
Q 8	How the equalization provisions played a major role in Canadian federal progress?	5	CO4
Q 9	Discuss under the constitutional principle of paramountcy, the validly enacted federal laws displace conflicting provincial laws in Australia and India.	5	CO3

SECTION-C
(2Qx10M=20 Marks)

Q 10	Analyse the process of constitutional adjudication and judicial review in the US, Germany and Canada.	10	CO2
Q 11	Explain how the federal sharing is accomplished through politics, through professionalization, and through proximity, as well as by a design. Why the sharing	10	CO4

	by design is probably the safest form with regard to the health of the federal system? Elaborate how the other three also performs an equally important role in India's federal growth.		
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p>Comparing constitutions and federations means having to cope with problems of understanding that which is unfamiliar and fabricating a variety of texts. A layered narrative is a way to address these methodological and theoretical challenges. It starts from the assumption that the comparatist, while never able to see the whole picture, must nonetheless focus on seemingly marginal details. To capture the interaction between constitutions and cultures, the narrative has at its base a broad conceptual grid. The next layer is informed by four constitutional archetypes—the constitution as a contract, manifesto, program, and law. Here one can assert that the construed federalism is part of the irresistible march of modern constitutionalism and democracy. In a more structuralist vein, the narrative analyzes the constitutional architecture dominated by a master plan whose elements are rights and principles, values and duties, federal structuring, and rules for constitutional amendment and interpretation. While the elements of the master plan correspond to a global catalog, their specific composition and distinctive details reflect the local knowledge that is crucial to the revitalization of comparative federal discussion. Here the goal of federal comparatist is to find an intelligible pattern of commonality beneath apparent diversity which is an essential step in formulating, testing, or revising theoretical propositions.</p> <p><i>a. From the above extract, what is the author trying to convey to the readers?</i></p> <p><i>b. How the four constitutional archetypes are reflected in newly emerged federal states? Explain each one of them in your own words</i></p> <p><i>c. What are the important commonalities that could be derived while we compare Indian, Australian and Canadian federal models?</i></p> <p><i>d. Discuss the value of the following statement, the 'construed federalism as part of the irresistible march of modern constitutionalism and democracy.'</i></p>	25	CO3
Q 13	<p>Since federalism does not represent a uniform set of institutional arrangements across space and time, it would involve a heroic assumption to argue that it impacts welfare state development similarly across nations. The cross-country diversity of federal institutions, different interfaces and linkages with general governmental institutions, different party systems and systems of interest mediation, as well as different actor constellations with heterogeneous preferences, strategies and interests, constitute a broad range of institutional configurations, making it</p>	25	CO4

extremely unlikely that federalism will be associated with uniform patterns of social policy and similar developmental trajectories in all countries.

- a. *Looking at the different federal models, analyse that, how far the following statement is correct; 'Federalism is an institutional device designed to secure unity by allowing a certain degree of diversity, whereas the primary goal of the welfare state is normally to enhance equal social rights for all citizens.'*
- b. *How federalism affects the welfare state. Is there any reciprocal relationship between federalism and the welfare state? What are the theoretical arguments concerning the ways in which federalism might impact and shape social policy?*
- c. *Describe the dominant political parties that have represented coalitions of regional as well as class interests, and have tended to govern from the middle of the federal spectrum in India, Canada and Australia?*
- d. *Discuss the way federalism has contributed to the emergence of a rich regional diversity of welfare state provisions in India, Canada and Switzerland.*