

<b>Name:</b>	 <b>UPES</b> UNIVERSITY WITH A PURPOSE
<b>Enrolment No:</b>	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**Online End Semester Examination, May 2021**

<b>Course: Comparative Federalism</b>	<b>Semester: VIII</b>
<b>Program: BA. LL.B. (Hons.) CONSTITUTIONAL LAW</b>	<b>Time 03 hrs.</b>
<b>Course Code: CLCT4003</b>	<b>Max. Marks: 100</b>

**SECTION A**

- 1. Each Question will carry 5 Marks**
- 2. Instruction: Complete the statement / Select the correct answer(s)**

S. No.	Question	CO
Q1	'Constitution lays out the three basic principles of federalism', explain them.	CO1
Q2	What is the ultimate goal of comparative federal scholarship?	CO1
Q3	Explain the two lessons learned from the 'Jura' case.	CO1
Q4	Evaluate the factors that led to the syndication of the parliamentary tradition with federal principles in the case of Canada.	CO1
Q5	Describe the structure of the 'constitutional court' to interpret the supreme law instead of the supreme court?	CO2
Q6	Distinguish the "Coming-together federations", and "Holding-together federations."	CO2

**SECTION B**

- 1. Each question will carry 10 marks**
- 2. Instruction: Write short / brief notes**

Q7	<p>Discuss the role of the judiciary as a facilitator and fair arbiter in the following federal states: the USA, Canada and Germany.</p> <p style="text-align: center;">Or</p> <p>Analyse the process of constitutional adjudication and judicial review in the US, Germany and Canada.</p>	CO3
----	---	-----

Q8	Why the fiscal asymmetrical relations have enormous significance for federal polities? Elucidate your arguments from a comparative perspective.	CO2
Q9	Explain the Hamilton paradox and its manifestations in contemporary comparative federal theory.	CO2
Q10	Identify the conceptual and functional issues in measuring decentralization and relative autonomy in Australia, Switzerland and India	CO3
Q11	How do we locate the federalism concepts in their distinct setting? Analyse the context in which the Russian and Nepal federalisms are originated.	CO3

**Section C**

- 1. The Question carries 20 Marks.**
- 2. Instruction: Write long answer.**

Q12	<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?</i></p> <p><i>c. What are the important commonalities that could be derived while we compare Indian, Australian and Swiss 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>	CO4
-----	--	-----