


Name:	
Enrolment No:	

UPES	
End Semester Examination, May 2023	
Course: Comparative Federalism	Semester : VIII
Program: BA.LL.B	Time : 03 hrs.
Course Code: CLCT4003	Max. Marks: 100

SECTION A			
(5Qx2M=10Marks)			

S. No.	Question	Marks	CO
Q 1	What is the ultimate goal of comparative federal scholarship?	2	CO2
Q 2	Evaluate the factors that led to the syndication of the parliamentary tradition with federal principles in the case of Canada.	2	CO1
Q 3	Describe the structure of the 'constitutional court' to interpret the supreme law instead of the supreme court?	2	CO1
Q 4	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 5	Why do the roots of the American understanding of federalism lie in the covenant idea?	2	CO1

SECTION B			
(4Qx5M= 20 Marks)			

Q 6	Explain the Hamilton paradox and its manifestations in contemporary comparative federal theory.	5	CO1
Q 7	Why it is difficult to imagine the federations in Germany or Switzerland without considering the impact of the Holy Roman Empire?	5	CO3
Q 8	Analyse the context in which the Russian and Nepal federalisms originated.	5	CO3
Q 9	Identify some of the recent cases where the Supreme Court of the US has taken a more activist role, limiting the power of the federal government and in favour of state rights.	5	CO2

SECTION-C			
(2Qx10M=20 Marks)			

Q 10	How the political economy of cooperative federalism can be used to explain the important shifts in the constitutional, political and public policy agenda in the following countries: USA, Canada and India	10	CO2
Q 11	Identify the conceptual and functional issues in measuring decentralization and relative autonomy in Australia, Switzerland and India	10	CO4

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SECTION-D
(2Qx25M=50 Marks)

<p>Q 12</p>	<p>Theory in its simplest sense is about explaining and understanding the world that we inhabit and political theory is ultimately about explaining human behaviour – identifying relationships, exploring interrelationships and examining motivations, intentions, actions and outcomes. Since federalism, broadly conceived, is complex precisely because it is multidimensional, we have to develop concepts that can successfully accommodate this complexity. Consequently, a theory of federalism, to be of any practical utility, would have to accommodate both empirical and normative aspects and embrace a whole host of dimensions that together constitute the federal totality, historical, philosophical, constitutional, legal, political, economic, social, ideological and cultural. Federalism is ‘one of the most important aspects of modern constitutionalism’. That means the true federalism’, is the ‘the federalizing process under constitutionalism’ and it was characterised by the permanent interplay between the inclusive community and the component communities so that this interrelationship, cooperation and exchange was a ‘universal principle of political organization’. In retrospection, it is quite remarkable how far the federal idea of dividing and sharing political authority among citizens so that they occupy, so to speak, different policy spaces in separate but overlapping areas of political authority has continued to challenge, and sometimes even confound, modern democratic theory and practice.</p> <p><i>a. Explain the ‘Raison d’être’ perspective of federalism.</i></p> <p><i>b. How do we locate the federalism concepts in their own distinct setting? Elaborate scenario with the help of examples.</i></p> <p><i>c. Discuss the construed federalism as part of the irresistible march of modern constitutionalism and democracy.</i></p> <p><i>d. How the federal contracts are often inefficient but sticky because the institutions do not evolve or meet the role assigned to them. Provide examples from at least three federal states to substantiate your argument.</i></p>	<p style="text-align: center;">25</p>	<p style="text-align: center;">CO3</p>
<p>Q 13</p>	<p>Federal systems are always unique in many ways, in part because federal compromises derive from the unique historical dynamics that have driven their developments in multiple way. The comparative enterprise is not about the description of sameness, but about variance among similar variables that operate within each system. As Gary Marks has put it, ‘the goal of comparison is to find intelligible patterns of commonality beneath apparent diversity’.</p> <p><i>a. Identify the intelligible patterns of commonality while we observe the federal developments in India, Canada and Germany.</i></p> <p><i>b. Why do the fiscal asymmetrical relations have enormous significance in the federal polities of the US, Australia and Canada?</i></p> <p><i>c. If there is a closer watch on the three older federations, the U.S.A., Canada and Australia, in their formative stages of development, the dominant operative concept was that of ‘competitive federalism’, marked by</i></p>	<p style="text-align: center;">25</p>	<p style="text-align: center;">CO4</p>

*intergovernmental disputes. But with the passage of time, the concept of 'competitive federalism' slowly gave way to 'co-operative federalism'. With genuine examples from the said countries, you may **either ascertain or refute the above statement.***

- d. *Analyse the following statement while looking at the federal states comparatively, 'Even where similar federal institutions are established, different circumstances may make them operate quite differently.'*