


Name:			
Enrolment No:			
UPES End Semester Examination, May 2025			
Course: Comparative Legislative Relations Program: BA LL.B, BBA LL.B and B Com LL.B. (Hons.) Constitutional Law Course Code: CLCT4007 Instructions: All the questions are compulsory		Semester: VIII Time : 03 hrs. Max. Marks: 100	
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	How the Reserved State Power Doctrine and States' Rights are related but distinct concepts in constitutional law.	2	CO1
Q 2	Identify the two major areas where, in practice, there has tended to be extensive legislative activity by both levels of government.	2	CO1
Q 3	Explain the scope of the Incidental power in South Africa.	2	CO2
Q 4	Interpret the Popular Sovereignty and the Doctrine of Plenary State Legislative Power in Australia and Switzerland.	2	CO1
Q 5	How the 16 th and 17 th amendments of the Constitution changed the legislative relationship in the USA	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Why do some argue that Australia is an example of a symmetrical power distribution compared with India and Canada?	5	CO2
Q 7	What are the key differences when it comes to the exclusive legislative competence in areas like foreign affairs and defence in Germany and the USA	5	CO2
Q 8	Compare the similarities and differences between the Canadian and Indian systems of legislative power allocation.	5	CO1
Q 9	Describe the various techniques used to codify the division of legislative powers in the Constitution.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Illustrate the Sarkaria and Punchi Commission reports by how they classified and interpreted the constitutional legislative allocation scheme, examining various patterns of interconnection through a comparative perspective.	10	CO3
Q 11	Analyse why the supremacy clause is often referred to as the cornerstone of the distribution of legislative power in different countries. Additionally, examine how the principle of union supremacy differs in its nature, extent, and impact by comparing Article 246 and Article 254.	10	CO3

SECTION-D
(2Qx25M=50 Marks)

Q 12	<p>The 'legislative scheme' consists of two or more Acts enacted by one Parliament alone, or by two or more legislatures. Such schemes raise controversial questions of substance and form because the enactments when considered by themselves are usually within the powers of the legislature concerned, but when the scheme as a whole is examined-by reference to its purpose disclosed by the interconnection of the enactments or otherwise-it is seen to achieve something which could not be achieved in a single or by one Parliament acting alone. Thus the problem is posed whether the validity of the scheme is to be examined as a whole by reference to its purpose without caring for the validity of the enactments examined individually, or whether the validity of the enactments is to be examined individually without caring for the validity of the scheme examined as a whole by reference to its purpose, or whether the validity of the enactments is to be examined individually but by reference to the purpose of the scheme.</p> <p><i>a. Examine the validity of legislative enactments is not evaluated with reference to the overall scheme; it becomes clear that 'legislative schemes' could be designed to achieve objectives that cannot be accomplished directly by legislatures operating within their constitutional authority. Analyze how these questions have come up for discussion before the courts in India, the USA and Canada.</i></p> <p><i>b. There are considerable differences in the degree of detail federal countries use to describe the division of legislative power. How much detail should be used to describe each power? Should the powers of both levels of government be enumerated, or only one level? Sketch the techniques adopted by the USA, Australia and India to deal with the situation.</i></p>	25	CO4
Q 13	<p>Federations are not static organisations, and over time the distribution of powers in each has had to adapt and evolve to respond to changing needs and circumstances and the development of new issues and policy areas. There are variations in the form that the constitutional distribution of powers has taken, and the particular powers assigned to each order of government have also varied from federation to federation, according to the particular circumstances and balance of interests within each federation. The frequency of centre-state confrontations emphasises how important it is to have strong dispute settlement procedures and cooperative federalism.</p> <p><i>a. Apprise how legislative preemption affects the state's rights in the USA (5 marks)</i></p> <p><i>b. Develop an outline describing how the commercial regulations and social security laws in Australia and Canada have tended over the years to become more and more centralised or decentralised through co-operative legislative schemes. (10 marks)</i></p> <p><i>c. Identify in what way comparative research can create valuable insights for us, especially in policy interventions targeted at maintaining democratic governance principles and promoting amicable relations between states and federal systems as they legislate upon different overlapping subjects. (10 marks)</i></p>	25	CO4