

**NATIONAL LAW UNIVERSITY, JODHPUR**  
End Term Examination – Nov - 2023  
Semester: UG IX Semester  
Subject: Constitutional Law (Hons.) – Comparative Federalism

**Time: Three Hours**

**Marks: 100**

**Instructions:**

1. All questions carry equal marks.
2. Kindly answer any five out of six questions.

Q 1) Discuss and explain the “doctrine of pith and substance” as applied in India and Canada. Is the “double aspect theory” applicable in India?

(Marks 20)

Q 2) “The anti-commandeering doctrine may sound arcane, but it is simply the expression of a fundamental structural decision incorporated into the Constitution of the United States of America, i.e., the decision to withhold from Congress the power to issue orders directly to the States...Conspicuously absent from the list of powers given to Congress is the power to issue direct orders to the governments of the States. The anti-commandeering doctrine simply represents the recognition of this limit on congressional authority,”

Comment with the help of relevant examples.

(Marks 20)

Q 3) The United States of Nutella is an ethnically and linguistically diverse country like India, Sri Lanka, Belgium and Canada. There have been several conflicts between the two major ethno – linguistic groups that have ravaged the country. In order to ensure peace and democracy, the people of Nutella have decided to draft their Constitution afresh. You have been chosen as a member of the drafting committee. Kindly give your suggestions on the following design choices –

- a. Monistic/Melting Pot Federalism or Pluralistic Federalism/Multicultural Federalism.
- b. Senate or Council Model of the Upper House

(Marks 10 x 2 = 20)

Q 4) Write short notes on any two of the following topics –

- a. Asymmetrical Federalism.
- b. Elastic Clause in the U.S. Constitution
- c. Germany’s Integrated Federalism.

(Marks 10 x 2 = 20)

Q 5) Discuss and explain the “emergency” branch of the Peace, Order and Good Government Clause in the Constitution of Canada with the help of relevant provisions and case laws. Is there a similar provision in the Constitution of India?

(Marks 20)

Q 6) Discuss and explain the “doctrine of occupied field” as applied by the constitutional courts in the various federal constitutions with the help of relevant provisions and case laws.

(Marks 20)