



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

**Semester: X**

**B.A./B.B.A. LL.B. Hons. (FYIP)**  
**Federalism**

**Course Code: SPA5-1003**  
**Credit: 02**

### **Brief Introduction**

This paper, aims at developing deep understanding in students of fundamental aspects of Constitutional Law, federalism and underlying principles/theories. The course focuses on governance system and structure of the Indian constitution in a comparative setting. The topics of the syllabus are set with the aim to develop in-depth insights into three functions/powers of the state, their bases and practice. Constitutions often go through adaptations and transformations. Reasons and causes of changes may originate in different fields of national and constitutional life: economy, politics etc., or in some instances occasioned through changes occurring beyond the national territorial limits. Internally, study of responses, to the everyday working of the constitution, from other branches of the state, including courts, are also important.

### **Course objective**

1. To familiarize the students with the concept of Federalism.
2. To make the students understand about the pattern of Federalism in other Federal Structure.
3. To familiarize the students about the dynamics and trend of federalism.
4. To make the students understand the Centre State Relation in Federal Structure.
5. To make the students understand the functioning of federal structure during the emergency.

### **Learning outcomes of Subject**

After studying this paper, the students will be able to:

1. Know about the federal structure and how does this system work?
2. Know how the federal system function during the emergency.
3. Describe the principal of interpretation of the Constitution in federal structure.
4. Explain the Centre and State Relation in Federal Structure.
5. To know about the basic principles of Constitutionalism, different model of federalism and its interplay in the Indian legal system;

**Module -I**  
**Introduction to Federalism**

- 1.1 Introduction to Federalism: Meaning and Concept;
- 1.2 Theories of Federalism;
- 1.3 Federalism in India and Characteristics of Indian Federalism;
- 1.4 Sources of Indian Federalism ;
- 1.5 Comparative and Cooperative Federalism.

**Module- II**  
**Federalism under Indian Constitution**

- 2.1 Democracy and Federalism;
- 2.2 Challenges of Indian Federalism ;
- 2.3 State Autonomy and Centre Dominance ;
- 2.4 Administrative Relations ;
- 2.5 Financial Relations.

**Module-III**  
**Federalism and Centre-State Relation**

- 3.1 Doctrine of Territorial Nexus;
- 3.2 Scheme for Distribution of Legislative Powers ;
- 3.3 Commissions and Committees on Centre-State Relation;
- 3.4 Constitutional Doctrines on Interpreting Centre-State Disputes ;
- 3.5 Repugnancy and Residuary Power and its impact on Federalism .

**Module- IV**  
**Federalism under Constitutional Dynamism**

- 4.1 Role of Judiciary in Safeguarding Federal Features of Indian Constitution;
- 4.2 Local Governance and Federal Character;
- 4.3 Trade-Commerce Relation with Federalism ;
- 4.4 Emergency Provisions and Federal Character of Constitution;
- 4.5 Amendment Power and Federalism.

### Prescribed books

1. K.C. Wheare, Federal Governments, 1963.
2. H.M Seervai, Constitutional Law of India, Reprint: 2023
3. Geoffrey R. Stone, Constitutional Law, 2013.
4. M.P. Singh, B.D. Dua (Ed.), Indian Federalism in the New Millennium, 2003.
5. Sujit Choudhry, Madhav Khosla (Ed.), The Oxford Handbook of the Indian Constitution, 2016.
6. M.P. Jain, Constitutional Law of India, (Reprint), 2019.
7. H.R. Khanna, Making of Indian Constitution, 2013.

### Suggestive Readings

1. Douglas V. Verney, Federalism, Federal Systems and Federation: The United States, Canada and India, The Journal of Federalism, 1995.
2. K.L. Bhatia, Federalism and Friction in Centre-State Relations: A Comparative Review of Indian and German Constitution, 2001.
3. M Govida Rao, Nirvikar Singh, Political Economy of Federalism in India, 2006.
4. Pratibha Agarwal, Fiscal Federalism in India: Impact of Union Transfers on State Finance, 2017.
5. Chanchal Kumar Sharma (Editor) Understanding Contemporary Indian Federalism: Competing Perspectives, New Challenges and Future Directions (2019).
6. V.M. Dandekar "Unitary Elements in a Federal Constitution" 22 E.P.W 1965 (1988)
8. Jagat Narain "Judicial law making and the place of the Directive Principles in the Indian Constitution", J.I.L.I 198 (1985)
9. The Indian Constitution: Cornerstone of a Nation, Granville Austin, Oxford University Press (1999)
10. Working A Democratic Constitution, Granville Austin, Oxford University Press (2003)

\*\*\*\*\*

*Shruti*  
07/02/2024  
Dean Academic  
H.P. National Law University

