

Q:- What is the legislative relationship between state and Union?

Ans:- The Union state relations in the legislative sphere have been dealt by articles 245 to 254. The constitution clearly provides that the parliament shall have exclusive jurisdiction to make law for the whole or any part of the territory of India with regards to subjects mentioned in the Union list.

This list contains subjects like defence & foreign affairs, currency, Union duties, communication etc. On the other hand, the state enjoys exclusive power over the 66 items enumerated in the state list. The list contains subjects like public order, health, sanitation, agriculture etc. In addition there is a concurrent list containing 47 subjects like criminal law and procedure, marriage, contracts, trust, social insurance etc. over which both the Union and the state Government can legislate. Though under ordinary circumstances the central Government does not possess the power to legislate on subjects enumerated in the state list, ~~The list contains subjects like public order, health, sanitation, agriculture etc.~~ Under certain special conditions the Union parliament can make laws even on these subjects. In the following cases, Union parliament can legislate on the subjects list in state list.

- If the Rajya Sabha declares by a resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that the parliament should make laws with respect to any matter, enumerated in the state list, specified in the resolution. If such a resolution remains in force for a period of one year and can further extended by one year by means of a subsequent resolution. It may be observed that this provision has been used only in few cases and has not added to the powers of parliament.
- The parliament can legislate on the subjects mentioned in state list when the proclamation of emergency has been made by the president on grounds of internal.
- The president can also authorise the parliament to exercise the powers of the state legislature during the proclamation of emergency due to breakdown of constitutional machinery in state. But all such laws passed by the parliament cease to operate six months after the proclamation of emergency comes to an end.
- The parliament can also be authorised to legislate on a state subject if the legislature at two or more states feel it desirable that any of the matters with respect to which the parliament has no power to make laws for the states should be regulated in such states by parliament by law and its resolutions to that effect.



be passed by legislatures of those states. The parliament also reserves the right to amend or repeat any such act. The parliament can make law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries. Certain bills passed by the state legislature have to be reserved by the Governor of the state for the consideration of the president. These bills become law only after the president gives his assent. The bills which the governor must reserve for the consideration of the president relate to compulsory acquisition of property.

Q:- How many fundamental rights mentioned in Indian constitution? Describe right to equality and right to freedom?

Ans:- There are six fundamental rights of Indian Constitution along with the constitutional article related to them.

#### • Right to Equality (Article 14-18) -

Right to equality guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth. It ensures equal employment opportunities in the government and insures against discrimination by the state in matters of the employment. On the basis of caste, religion etc. This right also includes abolition of titles as well as untouchability.

## • Right to Freedom (Article 19-22) -

Freedom is one of the most important ideals cherished by a democratic society. The Indian Constitution guarantees freedom to citizens. The freedom right includes -

- 1.) Freedom of speech.
- 2.) Freedom of expression.
- 3.) Freedom of assembly without arms.
- 4.) Freedom of association.
- 5.) Freedom to practise any profession.
- 6.) Freedom to reside in any part of the country.

3Q:- What is the importance of Directive principles of state policy?

Ans:- DPSP (Directive Principles of State Policy) are ideals which are meant to be kept in mind by the state when it formulates policies and enacts laws. There are various definitions to Directive Principles of State Policy which are given below -

- 1.) They are an instrument of instruction which are enumerated in the Government of India Act, 1935.
- 2.) They seek to establish economics and social democracy in the country.
- 3.) DPSP are ideals which are not legally enforceable by the courts for their violation.
- 4.) A new DPSP under Article 38 was added by the 44th Amendment Act of 1978, which requires the state to minimise inequalities in income, status, facilities and opportunities.

The 86th Amendment Act of 2002 changed the subject-matter of Article 45 and made elementary education a fundamental right under article 21A. The amendment directive requires the state to provide early childhood care and education for all children until age 14 years.

A new DPSP under Article 43B was added by the 97th Amendment act of 2011 relating to co-operative societies. It requires the functioning, democratic control and professional management of co-operative societies.

The Indian Constitution under Article 37 make it clear that DPSP are fundamental in the governance of the country and it shall be the duty of the state to apply these principal in making laws.