

Dr. Nishat Jhan (Assistant Professor) Law Department N.A.S. (P.G)
College, C.C.S University, (Meerut)

Class:- LL.B IInd Semester

Q- What are the Powers of Parliament to legislate with respect to a matter in the state list?

OR

When the Parliament legislate on state subject?

Ans:-

There are following situations in which parliament to legislate on the state subject:-

- A. In the National Interest under Article-249
- B. Under proclamation of National Emergency Article-250
- C. By agreement between the State Article-252
- D. To implement treaties Article-253
- E. Under Proclamation of President's Rule Article-356

A) In the National Interest:-

Under Article-249 of the Constitution if Rajya Sabha passes a resolution of the subject of the state list with 2/3 majority of the present and eligible voters of the house declaring the subject to have a national importance. On that subject parliament acquired the power to legislate law on the state list. Such resolution remains in force for a period of one year and can be further extended by one year by means of a substituent resolution.

B) Under Proclamation of National Emergency:-

Under Article-250 of the Constitution parliament can legislate on the subject mention in the state list when the proclamation of the National Emergency is in operation. However the laws made by the parliament under this provision shall cease to have effect on the expiration of a period of six months after the proclamation has ceased to operate, except as respects things done before the expiry of the said period.

C) By Agreement between the State:-

Under Article-252 parliament can also legislate on a state subject if the legislature of two or more state resolve that it is lawful of parliament to make laws with respect to any matter enumerated in the state relating to those state. There after any act passed by the parliament shell apply to such resolution. The parliament also reserved the right to amend repeal any such act.

D) To Implement Treaties:-

Under Article-253 of the constitution, the parliament can make law for the whole or any part of the territory of India for implementing any territory, International Agreement or convention with any other country or countries.

Any law passed by the Parliament for this purpose cannot be invalidated on the ground that it relates to the subject mention in the state list.

E) Under Proclamation of President Rule:-

Under Article-356, the president can also authorised the parliament to exercise the powers of the state legislature during the proclamation of presidential rule to breakdown of constitutional machinery in a state. But all such laws passed by the parliament cease to operate six months after the proclamation of president's rule comes to an end.