



RNB GLOBAL UNIVERSITY, BIKANER

Faculty of Law & Arts



MOCK PARLIAMENT 2024

20TH DECEMBER 2024

MOOT COURT HALL, RNB GLOBAL
UNIVERSITY

ABOUT RNB GLOBAL UNIVERSITY

RNB Global University (RNBGU), set in the hinter heartlands of the royal city of Bikaner, stands as a shining edifice of quality education in a vast clean and green Wi-Fi enabled campus.

The campus acts as a perfect backdrop for your pursuit of quality education with all modern educational facilities. The university offers a wide range of undergraduate, postgraduate, integrated and diploma courses in Arts, Commerce, Engineering, Law, Management & Social Science for educating stars for tomorrow. The course and curriculum designed for our various programs like BA, BBA, B.Sc, B.Tech, LLB, BA LLB, BBA LLB, MA, MBA, & others are in accordance to the UGC guidelines and keeping in mind, the international standards.

ABOUT THE FACULTY OF LAW & ARTS

Acquiring knowledge is the right of every person. Education has aspired higher as if tied with wings. Technology has given a new dimension to the education field. Every field has progressed and made changes in prospects. But the importance of education and the respect for knowledge remains unchanged. The career prospects for a law student are very bright. The School of Law imparts unmatched curriculum to the student which helps him/her to develop the instinctive prospects. The School of Law was established with a futuristic vision which could keep the students updated with the changing perspective and imparting a high level of quality education through various law courses such as integrated BA LL.B and BBA-LL.B. The environment of RNB Global University instils a spirit of inquiry, problem solving, dexterity, creativity, inventiveness and entrepreneurship through hands-on cross- disciplinary learning, thereby cultivating scores of values, and job and life skills in students. The learning environment of the university enhances and promotes cross-disciplinary research in law and allied disciplines. Taking into consideration the extended sphere of jurisdiction in the modern era, the school of law is dexterously involved in preparing law graduates who are industry ready and are well- equipped to take on leadership responsibilities skilfully.

ABOUT MOCK PARLIAMENT

A Mock Parliament is a simulation of legislative proceedings in a parliamentary democracy.

In a mock parliament, participants role-play members of parliament and discuss an entire spectrum of real-world social, geopolitical and economic issues. Each parliamentarian has to balance their personal views, their party's views, their constituency's views, existing national policies, and the constitution of their country.

It is the place where legislators structure policies; frame laws, discuss and debate on issues that affects the lives of trillions. It seeks to enhance and strengthen the socio-political fabric of our country. Over the years the event has witnessed host of luminaries from all walks of life, prominently social workers.

There are many models and a mock parliament may simulate either real-world legislatures or fictional ones, most of which are based upon the Indian Parliamentary System.

IMPORTANCE MOCK PARLIAMENT

- It helps understand the parliamentary procedure & working of the parliament.
- It allows considering the public issues and form their opinion on them.
- It develops a respect and tolerance for others contradicting views.
- It provides a platform to develop your public speaking, research and presentation skills.
- It is a rewarding and memorable experience for the parliamentarians and the spectators.

This document is for the reference in the Mock Parliament 2024. The facts and statements given in the document can be used for the purpose of getting an overview of timeline and preparing the parliamentary debate.

CENTRALIZATION OF POWER AND FEDERALISM

Federalism requires the division of constitutional and political power, i.e. the ability to govern at two levels; however, a state may also contain local governments. Every federal system requires a division of powers between the federal and state governments, each of which is autonomous and not subservient to the other. Power has been divided between the centre and the states to avoid anarchy and conflict between the two competing jurisdictions, and the division of power is one of the most important aspects of federal constitutions. The Indian Constitution's Seventh Schedule contains three lists of legislation: the Union List, the Concurrent List, and the State List. The three legislative lists specified the powers conferred in Parliament, state legislatures, and both at the same time. However, if an issue is not addressed by any of the three Lists, it is considered a residual power of the Parliament. In a federal system, the independent judiciary serves as the final interpreter of the Constitution and the guardian of constitutional ideals. In this article, we shall discuss the nature of federalism in India and explore the division of powers between the federal and state governments and the role of the judiciary in interpreting the constitution. This article also identifies the Indian Constitution as having both federal and unitary elements and highlights the challenges of balancing state autonomy with central control using case-laws.

The Ambiguity of India's Federal Constitution: A Combination of Federal and Unitary Elements

Opinions on India's status as a federal constitution or a federal government vary greatly. A constitution can be divided into two types: unitary and federal. All State powers are vested in a single administration in a unitary constitution, whereas they are divided between a central government and multiple regional administrations in a federal constitution. Despite the fact that it was written with the philosophy of preserving a federal structure in mind, the Constitution contains unitary elements. The fundamental characteristics of the Constitution assist us in

navigating this issue. The true federal nature of the constitution is contradicted by additional qualities, in addition to concepts such as the supremacy of the law, the delegation of powers, the rigidity of the written constitution, and the independence of the court. The Indian Constitution establishes a dual polity in which neither the Central Government nor the States are administrative units or agencies of the Central Government, each with its own Constitutional identity. The Indian Constitution, on the other hand, has strong centralising tendencies that give the Central Government absolute power. This emphasis dates back to the writing of the Constitution. The founders of the country believed that if the central government was weak, the country would break apart. India has quasi-federal characteristics, that is, characteristics resembling a federal state with some unitary characteristics. Despite the existence of substantial parts of a federal constitution, the central government retains some influence over the provinces. Article 1 of the Indian Constitution states that India is a union of states, which implies two things: first, that it is not the result of an agreement among the states, and second, that the states cannot leave the Union. Furthermore, Article 3 of the Indian Constitution grants the Indian government the authority to divide or alter state boundaries. As demonstrated by the preceding considerations, the Indian Constitution is neither fully federal nor fully integrated. It is a successful combination of the two. We will however continue along this line of thought and reach a conclusion after analysing and viewing court procurements.

Power Sharing Between Central and Component Units of Governance.

Federalism is a form of government in which power is shared by a central authority and multiple component units. A federation typically has two levels of governance. The federal government is a political structure established to protect national unity and state rights. It is an administration system in which a portion of authority and power is vested in the local region and the remainder in a central institution formed by an association of local areas. Federations differ from unitary systems in this regard because they either have a single administrative level or subunits that are subordinate to the central authority. The federal government may issue directives to provincial and municipal governments. This concept, however, does not apply to state government, and both the state and federal governments are accountable to the people in their own ways. As a result, this represents the unitary government system. Power sharing at a level of government below the state is important in a vast country like India to maintain the efficient operation

of government at all levels. The concept of decentralisation of authority is introduced here, and local government is given certain rights.

The federal government and the federal constitution are diametrically opposed. As a result of the failure of the Articles of Confederation, the Constitution was drafted as a framework for state governance. Because the administration of the Articles of Confederation was too flimsy, the Constitutional Convention drew up a new framework of government.

Comprehending the tension between the centre-state relations and its impact on federalism

The issue of Centre-state relations in India has been a topic of much debate and discussion among scholars and policy-makers in recent times. There has been a growing concern about the erosion of federalism in India, with the central government allegedly encroaching on the powers and autonomy of the state governments. This has resulted in tensions and conflicts between the Centre and the states, particularly with regards to finance and administration. The central government has been accused of undermining the constitutional framework that governs Centre-state relations, by using its powers to override the decisions of the state governments. For instance, the introduction of the Goods and Services Tax (GST) and the Citizenship Amendment Act (CAA) were both controversial moves by the central government, with the former being viewed as a violation of state autonomy and the latter as discriminatory against certain groups. These actions have raised questions about the nature of federalism in India, and the extent to which the states are able to exercise their constitutional rights and responsibilities.

The impact of these developments on federalism in India has been significant. The weakening of the federal structure has resulted in a concentration of power in the hands of the central government, at the expense of the states. This has led to a sense of resentment and frustration among the state governments, who feel that their voices are not being heard or their concerns addressed. It has also created a sense of disunity and division, as the states become more isolated from one another and from the central government. Moreover, the erosion of federalism has implications for the principles of democracy, diversity, and decentralization that underpin the Indian Constitution. These principles are

essential for the functioning of a democratic and pluralistic society, and their erosion could have far-reaching consequences for India's political and social fabric.

There are significant geographical inequalities in India despite its federal system. In this sense, a unitary government would have rendered it impossible to meet the demands of the nation, necessitating separate authorities at the federal and state levels. As a result, certain provisions of the Indian Constitution cover interactions between the centre and the state. As was mentioned above, the development of the nation has benefited greatly from these interactions between the centre and the states. It has aided in improving national government, administrative efficiency, and the integration of minority populations into society at large. Additionally, the state now plays a more active role, which contributes to improved governance. A significant influence has also been played by the various Constitutional clauses since without them, there would have been a lot of chaos in relations to the distribution of powers between the centre and states. The distribution of powers between the centre and states in the legislative and executive fields, as stipulated in the Constitution is clearly delimited in their scope. At the same time, the Constitution includes mechanisms for facilitating cooperation between the centre and the states. These include the establishment of All India Services, the creation of a Joint Public Service Commission for two or more states, and the existence of an integrated judicial system. There are numerous safeguards in the Constitution, such as grants-in-aid and the institution of a Finance Commission, to ensure healthy financial ties between the federal government and the states. It is regarded that the National Front government's establishment of the Inter-State Council was a crucial step towards fostering cordial ties between the union and states in order to promote peace and development in the nation. Thus, it is hopeful that the centre-state relations strengthen with time and there is enhanced cooperative federalism since it is an important factor for determining the governance of the country.

CONVENERS

FACULTY CONVENER

1. Dr. Ashok Karnani – ashok.karnani@rnbglobal.edu.in

FACULTY CO- CONVENER

1. Mr. Rudra Pradeep Sachdeva- rudra.sachdeva@rnbglobal.edu.in
2. Ms. Tanaya Wageshwari – tanaya.wageshwari@rnbglobal.edu.in