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Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

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Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

CASE ANALYSIS - **STATE OF WEST BENGAL VS UNION** **OF INDIA**

AUTHORED BY- SAUMYA MAURYA & NITIN CHHILLAR

Pursuing BA LLB (Hons.)

University of Petroleum and Energy Studies, Dehradun

Petitioner: State of West Bengal

v.

Respondent: Union of India

- Court - The Supreme Court of India Case Number - Suit No. 1 of 1961
- Citation - 1963 AIR 1241 1964 SCR (1) 371
- Judges – 6 Judge bench. Syed Jafar Imam, K. Subbarao, J.C. Shah, N. Rajagopala Ayyangar, J.R. Mudholkar, Bhuvaneshwar P. Sinha (CJ.), Bhuvaneshwar P. Sinha (CJ.), Bhuvaneshwar P. Sinha (CJ.), Bhuvaneshwar P. Sinha (CJ.), Bhuvane
- The Constitution of India's Acquisition and Development Act, 1947, was referred to.
- The Acquisition and Development Act's Articles 32, 131, 226, and Sections 4 and 7.

The Supreme Court's original jurisdiction is discussed in Article 131 of Chapter IV (Union Judiciary) of the Indian Constitution. It goes like this:

Original jurisdiction of the Supreme Court, Article 131. To the exclusion of any other Court, the Supreme Court shall have original jurisdiction in any dispute:

- (a) between the Government of India and one or more States; or
- (b) between the Government of India and any State or States on one side and one or more other States on the other; or
- (c) between two or more States, if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of the legal right depends.

State of West Bengal v. Union of India

In the case of *State of West Bengal v. Union of India*¹, the state (West Bengal) sought a declaration that the Parliament lacked the authority to enact laws authorizing the acquisition of land, as well as rights in or over land vested in a state and that the Parliament's Coal Bearing Areas (Acquisition and Development) Act, 1957 was ultra vires. On the subject, Chief Justice Sinha delivered a majority decision. He brought considerable light on the fact that our Constitution does not acknowledge the sovereignty of the states and the sovereignty rests with the Union of India. As a result, the states are unable to question the Union's legislative competence. The Supreme Court ruled in this case that the states have the right to legislate on property issues, rather than the Union.

Facts:

- 1) The State of West Bengal is against the Union of India for a declaration that Parliament is incapable of passing legislation authorising the Union Government to acquire land and rights in or over land that are conferred in a State and that the Coal Bearing Areas (Acquisition and Development) Act is unconstitutional.
- 2) Which will be referred to as the Act-enacted by the Legislature, and in particular sections 4 and 7 thereof, were ultra vires the law-making capability of Parliament, as well as an injunction preventing the defendant from proceeding under the provisions of these sections of the Act in respect of the coal manner, lands conferred on the plaintiff.
- 3) The following allegations are the basis for the plaint. The complainant is a state that is listed in the Constitution's First Schedule as being a part of India, which is a union of states.
- 4) All property and assets in West Bengal, which were given in His Glory for the purposes of the State of West Bengal vs. Union of India, are subject to Art. 294 of the Constitution.
- 5) For the determination of the State of West Bengal, the Government of the Province of Bengal developed vested in the State of West Bengal.
- 6) The West Bengal Estates Acquisition Act, 1954, was enacted by the state of West Bengal in the exercise of its sole legislative authority². All estates and rights of mediators, as well as rights in the subsoil, mines, and minerals, vested in the State for the purposes of government, free of hindrances, by an announcement issued under the Act, as modified.
- 7) The questioned Act was approved by Parliament, empowering the Union of India to purchase any land or any claim in or over land in any portion of India. The Union of India has expressed

¹ AIR 1963 S.C. 1241.

² W. B. 1 of 1954

its intention to view coal lying within the lands granted to the plaintiff, as aforementioned, by two notices dated September 21, 1959, and January 8, 1960, in the exercise of its powers under the Act. The plaintiff and the defendant have argued and disagreed over Parliament's ability to pass the Act and its power to seize the plaintiff's property, both of which are sovereign powers.

The key issues that the Court had to deal with were:

1. Does the Parliament have the authority to acquire land and other state-owned properties by enacting legislation?
2. Whether or not India's states are sovereign authorities?
3. Whether the Act or any of its provisions are in violation of Parliament's legislative authority?
4. Whether the Act or any of its provisions are in violation of Parliament's legislative authority?

Petitioner's Arguments:

- State sovereignty - Because the Constitution is federal, the states share a portion of the sovereignty, and the legislature cannot revoke these rights.
- Property acquisition was envisioned through discussion under the Government of India Act of 1935.
- If the Union exercises supremacy to collect state property under Access 42 of the Concurrent List, the states may exercise equivalent authority in respect of that property, including the right to reclaim it from the Union. As a result, the power granted by entry 42 will never be used effectively.
- It could not have been the intention of the constitution's authors to consult experts and ask parliament to legislate for the acquisition of state property, making the state's property rights more unjustified.

Respondent's Arguments:

- The argument is based on the American Constitution, which, while lacking in clear provisions, has a long history of court interpretation upholding the Federation's capacity to enact laws that have a direct impact on the State's right to property.
- It goes on to say that the division of powers between the Centre and the States is based on the 1935 Government of India Act's connection between the Centre and the States.

- It accomplishes this by stating that if the Parliament is disempowered to act in a way that affects property conferred in States, the Parliament's selected control to create laws concerning mine will be almost useless.

Judgment:

The Supreme Court ruled as follows:

- 1) The Indian Constitution declares the basic principle and divides the sovereign powers between the co-ordinate constitutional powers, namely the Union and the States.
- 2) This concept implies that one cannot interfere with the other's governmental aims or instrumentalities unless the Constitution expressly permits it.
- 3) The parliamentary fields assigned to the components cover subjects for law-making, not the relationship between the two co-ordinate units operating in their allotted fields, which is governed by other provisions of the Constitution, and no provision allows one unit to take the property of another without their consent.
- 4) The future stability of our enormous country, with its unity in diversity, is dependent on the strict adherence to the federal belief, which our founding fathers so wisely and foresightedly incorporated therein. This Court has the constitutional power and the associated duty a difficult and delicate one to prevent encroachment, whether openly or covertly, by the Union of State fields or vice versa, and thereby maintain the federation's balance.
- 5) This is a typical case in which the Court should prevent the Union from crossing its boundary and intruding into the State's domain, and thus hold that the questioned Act is ultra vires insofar as it confers a power on the Union to obtain lands owned by the State, including coal mines and coal-bearing lands.
- 6) The appeal is rejected according to the aforementioned directions, and the suit is dismissed with costs in light of the majority's conclusion.

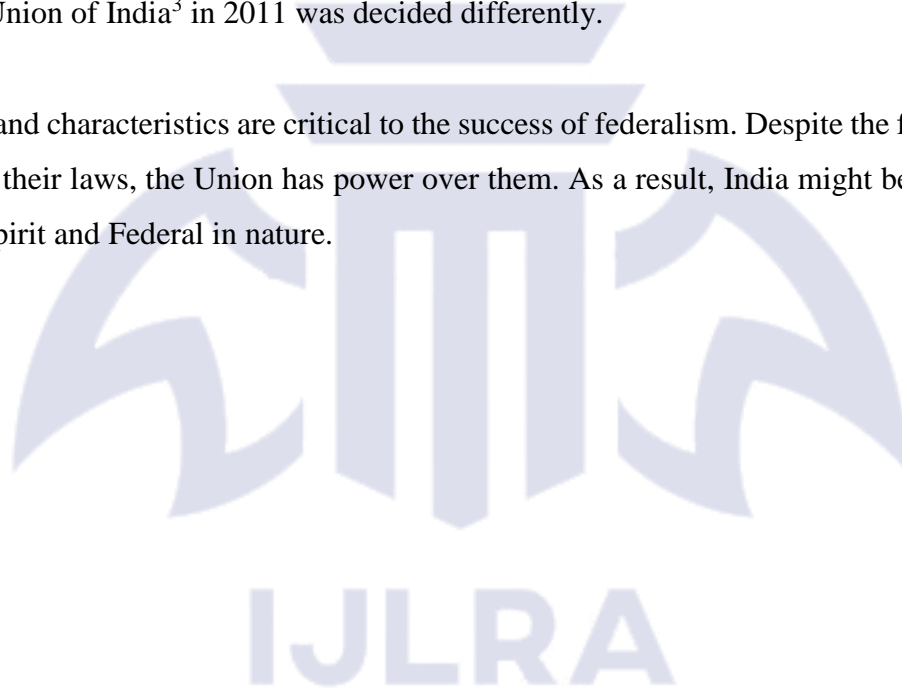
Rule of law–

The part of the statute that was analysed by the Hon'ble apex court of India was that the Centre has the necessary authorities to acquire properties owned by states.

Conclusion:

Article 131 of the Constitution provides the Supreme Court exclusive and original jurisdiction over legal disputes emerging between states or between states and the Union. The court protects all citizens' fundamental rights, and any breach of those rights can be brought directly before a state's high court under Article 226 of the Supreme Court under Article 32 via writs granted by the Constitution. In contrast to citizens, the state government cannot launch a lawsuit for violation of fundamental rights. Thus, if there is a disagreement between the State and the Centre over the interpretation of the Constitution, and the State considers its legal rights have been violated, the Supreme Court can hear the case under Article 131. Despite previous decisions holding that the legality of law can be tested under Article 131, the decision in the case of the State of Madhya Pradesh v. Union of India³ in 2011 was decided differently.

Some traits and characteristics are critical to the success of federalism. Despite the fact that states can manage their laws, the Union has power over them. As a result, India might be described as Unitary in spirit and Federal in nature.



³ State of M.P. v. Union of India, (2011) 12 SCC 268