

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
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ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT:

Court Matter

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The Hindu

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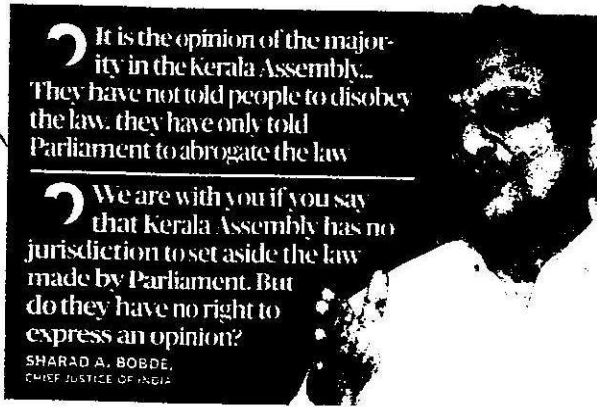
“State resolutions on Central laws are fine”

Merely opinions, they don't have force of law: SC

LEGAL CORRESPONDENT
NEW DELHI

The Supreme Court on Friday prima facie found no harm in State Legislative Assemblies, such as those in Kerala and West Bengal, passing resolutions against Central laws like the controversial Citizenship Amendment Act or the new agricultural laws.

A Bench, led by Chief Justice Sharad A. Bobde, said these resolutions are merely “opinions” of the majority



It is the opinion of the majority in the Kerala Assembly... They have not told people to disobey the law, they have only told Parliament to abrogate the law

We are with you if you say that Kerala Assembly has no jurisdiction to set aside the law made by Parliament. But do they have no right to express an opinion?

SHARAD A. BOBDE,
CHIEF JUSTICE OF INDIA

members of a Legislative Assembly and do not have the force of law.

The court was hearing a PIL filed by a Rajasthan-

based NGO, Samta Andolan Samiti, that said State Assemblies, such as of Rajasthan, Kerala, Punjab and West Bengal, have no busi-

ness passing resolutions against Central laws that come under the Union List of the Seventh Schedule of the Constitution.

The Samiti, represented by senior advocate Saumya Chakraborty, asked the Supreme Court to quash the resolutions and declare them void. The hearing mostly focused on the resolution passed by the Kerala Assembly on December 31, 2019, criticising CAA as a law violating the right to equality. The Assembly had called upon the Centre to abrogate the CAA.

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State resolutions on Central laws are fine: SC

“It is the opinion of the majority in the Kerala Assembly... They have not told people to disobey the law, they have only told Parliament to abrogate the law. It is only an opinion and does not have the force of law,” Chief Justice Bobde addressed Mr. Chakraborty.

But the petitioner said that the Kerala Assembly should not be having an opinion whether the law is “good, bad or indifferent”.

60 petitions

“Since they (State Assemblies) cannot make laws on the subjects in the Union List, they cannot also have a casual opinion on them,” Mr. Chakraborty argued.

He said the Resolution was made even as about 60

petitions were pending in the Supreme Court against the CAA.

“We are with you if you say that Kerala Assembly has no jurisdiction to set aside the law made by Parliament. But do they have no right to express an opinion?” Chief Justice Bobde asked.

The senior lawyer said the Kerala Assembly procedure is clear in mandating that the House should not pass a resolution in matters which do not concern the State.

“How can you say this is not a concern of the state?” the CJ asked.

The court adjourned the case for four weeks, asking the petitioner to do further research on the issue.