

## 1. Discuss the duties of the Union and State Governments in ensuring the protection of fundamental rights and the welfare of the citizens.

### Introduction

The Indian Constitution guarantees Fundamental Rights under Part III, which are essential for the protection of individual freedoms and the welfare of citizens. These rights include the right to equality, freedom of speech, protection from discrimination, and more. Both the Union and State Governments have distinct and shared responsibilities in ensuring the protection of these rights and the welfare of citizens. The Constitution empowers both levels of government to take proactive measures in safeguarding these rights and promoting the well-being of the populace.

### Duties of the Union Government

#### 1. Protection of Fundamental Rights:

- **Legislation and Enforcement:** The Union Government is responsible for enacting laws that safeguard the Fundamental Rights and ensuring their effective enforcement across the country. This includes enacting laws on issues like freedom of speech, anti-discrimination, and legal redressal mechanisms.
- **Judicial Oversight:** The Union Government must ensure that the judiciary, particularly the Supreme Court, remains independent and capable of protecting Fundamental Rights through judicial review, as provided by Articles 32 and 226. The Union must also ensure the appointment of judges who uphold constitutional principles.
- **National Security and Rights:** In matters of national security, the Union Government has the power to suspend certain rights (e.g., during a national emergency), but this power is subject to judicial review to prevent arbitrary actions that infringe on Fundamental Rights.

#### 2. Welfare of Citizens:

- **Social Welfare Programs:** The Union Government is tasked with designing and implementing national social welfare schemes, such as healthcare, education, and poverty alleviation programs. The Union also provides financial resources to the States for welfare projects.
- **Coordination of National Policies:** The Union ensures that policies for the economic and social welfare of citizens are coordinated at a national level, ensuring uniform standards in sectors like education, healthcare, labor laws, and sanitation.
- **Financial Assistance:** Through bodies like the Finance Commission, the Union Government ensures equitable financial distribution to States for welfare programs, addressing disparities in resources.

### Duties of the State Governments

#### 1. Protection of Fundamental Rights:

- **Local Implementation:** State Governments are responsible for ensuring the implementation of Fundamental Rights within their jurisdiction, particularly those rights related to local governance (e.g., right to education, right to property).
- **Law and Order:** The protection of rights often depends on maintaining law and order. State Governments are entrusted with the responsibility of preventing human rights violations and providing legal mechanisms for victims to seek redress.
- **Judicial Review at State Level:** State High Courts play a vital role in the protection of Fundamental Rights within the States. Citizens can approach these courts (under Article 226) for enforcement of their rights.

#### 2. Welfare of Citizens:

- **State-Level Welfare Schemes:** While the Union provides overarching frameworks, State Governments have the primary responsibility for local implementation of welfare schemes related to healthcare, education, and employment, such as the mid-day meal program or healthcare services.

- Decentralization of Services: State Governments are tasked with ensuring the delivery of services such as water, sanitation, housing, and local policing, which directly impact citizens' well-being.
- Public Health and Safety: States manage health services, public sanitation, and disaster management. During pandemics or natural calamities, the State Government takes the lead in providing relief and recovery measures.

## **Shared Duties of the Union and State Governments**

### **1. Constitutional Mechanisms for Rights Protection:**

- Both the Union and States are bound by the provisions of the Constitution, particularly through judicial review mechanisms that ensure any law or executive action infringing upon Fundamental Rights can be challenged in court.

### **2. Coordination in Welfare Programs:**

- Union and State Governments often collaborate to ensure the successful implementation of national programs, with the Union providing funding and policy frameworks, while States execute these policies on the ground. For example, schemes like the National Rural Employment Guarantee Act (NREGA) require both levels of government to work together.

### **3. Effective Enforcement of Laws:**

- Both governments are responsible for ensuring that laws relating to Fundamental Rights (e.g., laws prohibiting untouchability, child labor) are enforced. The Union may enact laws for national application, while States implement these laws at the local level.

## **Challenges**

### **1. Disparities in Implementation:**

- There can be disparities in how Fundamental Rights are protected and welfare measures are implemented across States, leading to unequal access to justice, healthcare, or education.

### **2. Overlapping Responsibilities:**

- The concurrent nature of certain functions, such as education and public health, can lead to overlapping duties and possible conflicts between Union and State laws or policies, affecting efficient governance.

### **3. Resource Allocation:**

- While the Union provides funding, disparities in financial resources between States can affect the quality and scope of welfare programs, leading to challenges in equitable distribution and access.

## **Conclusion**

The Union and State Governments play complementary roles in ensuring the protection of Fundamental Rights and the welfare of citizens. The Union Government's role is to provide overarching legislation, policy frameworks, and resources, while the State Governments implement and ensure that these rights are upheld at the local level. Coordination, effective enforcement, and financial equity are essential for maintaining the balance between rights and welfare. Addressing challenges like resource disparities and overlapping functions is crucial for enhancing the efficacy of governance in India.

## **2. "The Indian federal system, while constitutionally designed with a division of powers, often witnesses friction due to the interplay of political and economic factors." Discuss**

### **Introduction:**

India follows a quasi-federal structure where powers and responsibilities are divided between the Union and State Governments as per the Seventh Schedule of the Constitution. However, despite this constitutional arrangement, conflicts arise due to political rivalries and economic dependencies.

### **Constitutional Division of Powers:**

- Union List (97 subjects): Defence, foreign affairs, railways, banking, etc., under central control.
- State List (66 subjects): Police, health, agriculture, etc., under state jurisdiction.

- Concurrent List (52 subjects): Education, criminal law, environment, etc., where both Union and States legislate.

#### **Political Factors Causing Friction:**

1. **Governor's Role:** Allegations of bias in the appointment and actions of Governors create tensions between the Centre and States. Example Governors of Tamil Nadu, Kerala, West Bengal and Lt. Governor of Delhi.
2. **President's Rule (Article 356):** The imposition of central rule in states has been a major source of conflict, often perceived as politically motivated. As of now 132 times president Rule was imposed in India
3. **Legislative Overreach:** The Centre sometimes uses Parliament to legislate on State List subjects through Article 249 or ordinances, reducing state autonomy.
4. **Inter-State Disputes:** Water-sharing conflicts (e.g., Cauvery, Krishna) create inter-state tensions, requiring central intervention.

#### **Economic Factors Causing Friction:**

1. **Fiscal Dependency:** States depend on the Centre for funds, with central schemes often having conditions that limit state discretion. Andhra Pradesh Heavily depends on Center for building Amaravati Capital City.
2. **GST Revenue Issues:** The shift to GST reduced the taxation autonomy of states, leading to disputes over delayed compensation.
3. **Unequal Resource Distribution:** Richer states feel they contribute more to central revenues but receive less in return, while poorer states demand more financial support.
4. **Centrally Sponsored Schemes (CSS):** States often struggle to implement CSS due to high matching fund requirements, affecting their fiscal health.

#### **Conclusion:**

While India's federal structure ensures a balance of power, political and economic realities often create friction. Strengthening cooperative federalism through greater financial devolution, dialogue between governments, and reforming institutions like the GST Council can help mitigate these challenges.s