

CENTRE-STATE RELATIONSHIP IN INDIA

The principle of Federalism envisages the relationship between Union and States.

Distribution of powers between centre and state.

Powers are not distributed equally but the centre has been given more power than the state in the constitution.

Elements Of Centre-State Relationship

There are 3 main elements of the Centre-state relationship which is as follows –

1. Legislative relations
2. Administrative relations
3. Financial relations

Legislative Centre-State Relationship

The legislative relationship between the centre and the states are mentioned between Articles 245 to 255 of the constitution. These legislative provisions enshrined under part XI of the constitution are as follows –

The Extent Of Laws Making

The parliament of India is empowered to make laws for any part of India including our union territory. Further, the parliament can make extra-territorial legislation for the security and well being of Indian's inhabitants residing in any other part of the world. On the other hand, the law-making areas of the states are confined to the geographical area of a particular state.

Subject-Matter Of Legislature

The constitution of India has divided the legislative authority of the centre and states into 3 lists namely union list, state list and concurrent list. The union list comprises 99 subjects including foreign affairs, defence, etc. and the union parliament has the sole authority to make law on these subjects. The

state list includes 61 subjects including health, public order, etc. and the state legislature has the exclusive jurisdiction to formulate laws on these subjects.

7th schedule of Indian constitution- Union list, State list and Concurrent list

Lastly, the concurrent list has 52 subjects including education, family planning, criminal procedure code etc. It is important to note that under the concurrent list both the parliament and the state can frame laws. However, in case of conflict, the laws formulated by the parliament will prevail.

Power To Legislate On The Residuary Subject

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The constitution of India also contains provisions related to those subjects which are not mentioned in any of the aforesaid lists. These subjects are known as residuary subjects and the union parliament is given the authority to frame laws on these subjects. However, if any dispute arises, it is the duty of the court to determine whether a subject falls in the ambit of the residuary list or not.

Parliament's Power To Legislate On The

Subjects Falling In The Domain Of State

Legislature

In ordinary circumstances, the law-making power between both the union and the state

ever, the constitution of India can allow our union parliament to legislate on the state list under certain circumstances. These conditions are as follows –

- **To protect the National Interest**

This provision is given under Article 249 of the constitution and it allows the parliament to make law on any subject if the national interest is at stake. For using this provision, firstly a resolution is passed in Rajya Sabha with more than 2/3 members stating the need for making a law on the state list to protect our national interest. After the resolution is passed, the parliament is empowered to formulate the law and it remains in force for a maximum period of 1 year. However, the period can be extended by passing the subsequent resolution.

When National Emergency is in Operation

This power is given under Article 250 of the constitution. As per this Article, the parliament is empowered to make the law even on the state subjects when the emergency is in operation. However, it is important to note that the laws made under this provision will lose their validity after 6 months from the date of emergency.

- **Agreement between States**

As per [Article 252 of the constitution](#), the parliament can make law on the state list if a particular state passes a resolution that it is lawful for the union parliament to make law for this state and they will abide by the law. Thus, any law passed by the union parliament will also have applicability to that state also. However, the parliament still possesses the right to amend or repeal such a law made

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For Giving Effect to any International Treaties

As per Article 253 of the constitution, the president can enter into any bilateral or multilateral treaty and the union parliament had to make a domestic law for giving effect to any such treaty. Thus, the Parliament can enact any law for implementing any treaty or convention irrespective of the list the subject may belong to.

- **When President's Rule is in operation**

The concept of imposing president rule is mentioned under Article 356 of the constitution. This Article empowers the president to suspend the state assembly on the ground of the breakdown of constitutional machinery in a state. During this period, the parliament formulated laws for that particular state and these laws have the validity of 6 months from the date of declaring president

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The Control Of Parliament Over State

Legislature

The constitution of India is quasi-federal in nature with a strong centre that ensures that it keeps a vigil over the functioning of the states. The centre can exercise control over the state's legislature by the following methods

- The governor possesses the authority to transfer a bill to the president to seek his opinion. The president can exercise an absolute veto over such a bill.
- There are certain matters in the state list on which the bill can be introduced only before the prior consent of the



only before the prior consent of the president. These bills generally relate to the subject of trade and commerce.

- During a financial emergency, the president possesses the authority to direct the state authority for reserving money bills and other financial bills for his consideration before passing in the state legislature.

Administrative Centre-State Relationship

As with the legislature authority, the administrative function of the centre and states are confined to the subjects mentioned in the union and the state list respectively. Thus, the administrative relation can be defined through the following –

The Extent Of Executive Power Of State And Centre

This provision is dealt with under Article 256 of the constitution. It states that the executive power of a state shall be exercised in a manner that complies with the union laws framed by the parliament. Similarly, the central government shall also issue its direction after having regard to the particular state laws.

Duty On State To Not Interfere With The

Executive Power Of The Union Government

As per Article 257 of the constitution, the state should exercise its executive power in a manner that doesn't contravene or prejudice the executive power exercised by the union

Government. However, the union government has broad powers and it is empowered to issue such directions that may result in the encroachment of state authority.

To Construct Or Maintain Means Of

Communication Relating To Military Or

National Importance

As per this provision, the central government is empowered to issue directions to the state government relating to the construction or the protection of the existing means of communication that are very important for the military and national interest. The state had to abide by the same.

To Protect Railways:

This provision states that the union government can issue directions to the state government pertaining to the protection of railways falling under the concerned state's jurisdiction. However, it is important to note that any expense incurred during this process of protection is reimbursed by the central government.

For The Welfare Of Scheduled Tribes

This provision states that the union government can direct the state government to launch any scheme or programme to ensure the welfare of the scheduled tribes of the state.

To Impart Primary Education In A Mother-Tongue Language

This provision is mainly used for the betterment and advancement of minority linguistic groups. The central government can issue directions to a state to make arrangements so that the children can learn their initial education in their mother tongue language.

To Ensure That The Constitutional Provisions Are Followed By The State Government

This provision is the heart of the centre-state relation. Under this, the central government is empowered to issue any direction to the state government to ensure that it is

^ government to ensure that it is functioning as per the provision of the constitution. However, if a state doesn't comply with the provision of the constitution for a substantial period of time, then the central government is authorised to suspend the state government and impose president rule in that state.

The Power Of The Union Government To

Adjudicate The Inter-State River Water

Disputes

The constitution of India has provided our union government with the power to adjudicate any dispute that may arise in relation to the use or distribution of water or any other inter-river dispute. The pertinent thing to note is that the parliament is also empowered to exclude this kind of dispute

relation to the use or distribution of water or any other inter-river dispute. The pertinent thing to note is that the parliament is also empowered to exclude this kind of dispute from the jurisdiction of the Hon'ble supreme court or High court.

Administrative Relations During Emergencies

- **President's Rule:** When a president's rule is imposed under Article 356 of the constitution, the union gets all the administrative power of the state.
- **National Emergency:** When a national emergency is in operation, then the central government is empowered to issue directions relating to those subjects which may fall in the domain of a state's executive power. It is mandatory for the states to follow these directions.



- **Financial Emergency:** When a financial emergency is declared by the central government, then it is empowered to issue directions to the states relating to reducing the salary or allowance of government servants or the judges of various courts etc. It can also direct the state government to put all the money bills before the president for his consent.

Thus, we can say that in the administrative field, the states can't work in isolation and they have to follow the directions of the central government.

Financial Centre-State Relationship

The financial relationship between the Centre and the state government is governed by Articles 268 to 293 of the constitution. It provides detailed provisions relating to the distribution of tax as well as non-tax revenue between the centre and the state.

Distribution Of Tax

As per the constitution, the parliament has the exclusive or the sole jurisdiction to levy taxes on those subjects which are mentioned in the **union list** and the state government can impose a tax on the subjects falling under the **state list**. In the case of a **concurrent list**, both the centre and the states are eligible to levy taxes.

Grants-In-Aid From The Central Resources

Apart from tax, the state government also received certain kinds of grants from the central government. These grants can be divided into 2 parts –

- **Statutory Grants:**

It refers to that grant which is given by the parliament from the consolidated fund of India. It is generally given to those states who are facing some financial adversity. The amount of grants is not certain and it keeps changing as per the requirement of the states. Sometimes, a specific grant is given by the central government to promote the welfare of scheduled tribes of a state.

- **Discretionary Grants:**

This provision is dealt with under Article 282 of the constitution. As the name suggests, this grant is discretionary in nature and is given on the basis of the recommendation received from the planning commission. The main objective of giving such grants is to assist the states in achieving the result of a particular plan.

During a **National Emergency**, the union government can declare that the distribution of tax between the centre and states shall remain suspended. Further, it can also suspend or cancel any proposed grant in aid given to a particular state.

Finance Commission

Article 280 of the constitution deals with the establishment of the finance commission. The main objective of setting this commission is to ensure the effective distribution of financial resources between the centre and the states. This commission works under the authority of the president and he can recommend changes every 5 years.

The commission mainly has 5 members including 1 chairman and 4 members. The chairman must have experience in public affairs. Other 4 member includes -

- A judge of the high court or a person having equivalent qualification
- A person having expertise in the field of finance and account of the

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- A person having experience in public administration
- A person having expertise in the field of economics.

Conclusion

Federalism is a part of the basic structure of the constitution and the centre-state relationship is the core principle behind it.

There are mainly three facets namely legislature, administrative and financial matters wherein their relationship is governed. Broadly, in all three domains, the power of the centre and the states are confined to the subject of union and the state list respectively. However, in case of an emergency, all the power got transferred to the central government.