

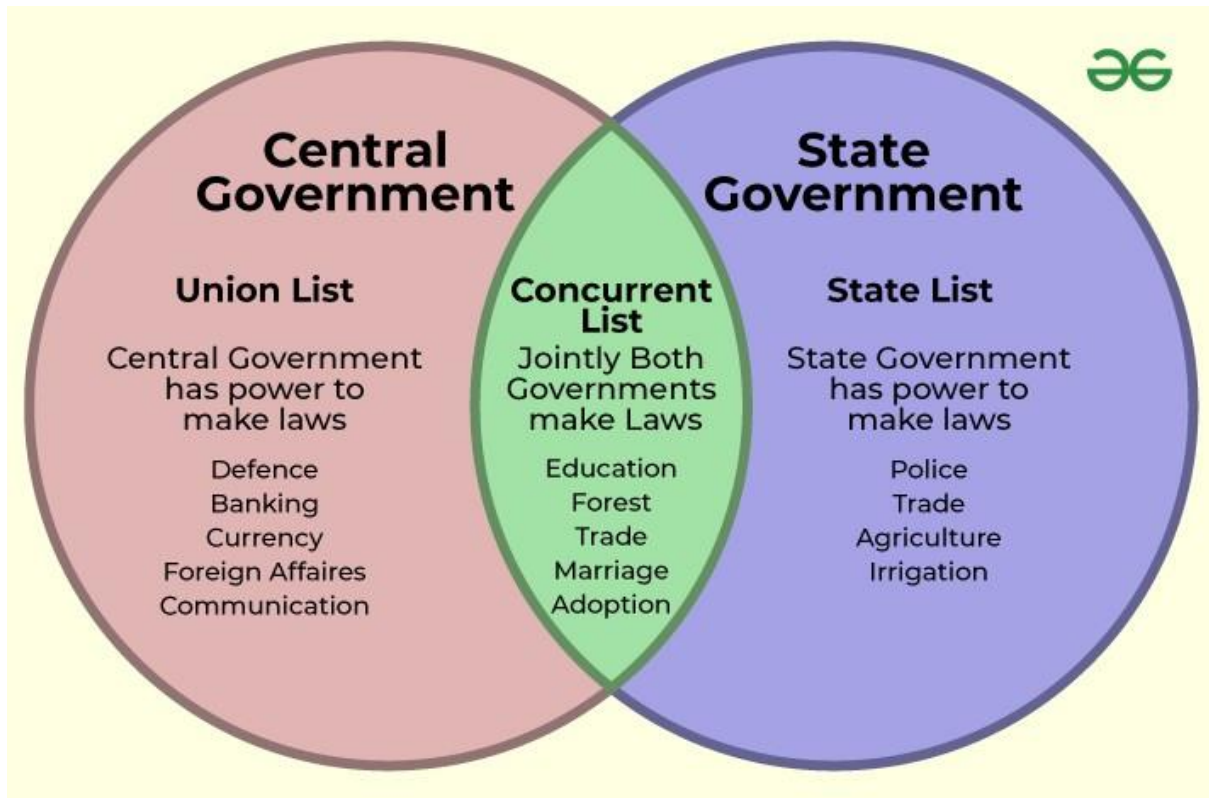
Administration Relation Between the Union and the State

(Central State Relations)

How has Power been distributed between Centre and State?

- India is governed by a federal structure.
- The provincial or state government and the central government both oversee the same territory in a federal organization.
- That means two levels of government are in charge of the same land.
- There is a larger risk of confrontation between the state and the center under such circumstances.

- There's a risk that the state and the federal government aren't run by the same political party, and there's a chance that power and control are distributed unfairly.
- So there should be norms and laws to identify what the state can regulate and what the center can govern to maintain peace.
- The division of powers is another term for this.



Power Distribution between the Centre and State:

- This division delegated authority to the State and the Center and issued regulations that results in the coordination between them

The Indian Constitution's 7th schedule lays forth the separation of powers. There are three different lists:

1. Union list
2. State list and
3. Concurrent list

- **The Union List:** The union list enumerates subjects over which the union or the federal government has legislative and regulatory authority. There are now 98 subjects. The union list includes topics such as defense, communication, foreign affairs, atomic energy, census, and so on.
- **The State List:** The state list includes a list of things or subjects over which the state government has total legislative jurisdiction. This list currently contains 59 entries. State police, health, agriculture, and local governments are among them.
- **The Concurrent list:** This list contains topics on which both the Parliament and the state governments can pass legislation. There are 52 subjects on the concurrent list at the moment. The concurrent list includes subjects such as civil procedure, electricity, drugs, marriage and divorce, social planning, and so on.
- **Residuary subjects:** These are topics that don't appear on any of the lists. The residuary matters are under the control of the parliament.

In Other Countries:

Only the central powers are listed in the United States Constitution; all other powers(residuary powers) are delegated to the states.

The central and provincial powers are stated in Canada, with the residuary powers placed in the state government.

In India:

In India, a similar situation to Canada exists. Except for the topics stated in the state list, the parliament or the center has power over everything. As a result, the Indian system is federal, with a powerful central government.

In case of conflicts:

- Even though the lists outlining and segregating the domains of authority between the center and the state are in effect, there is a good risk that power may overlap. The constitution has established the dominant levels of government based on the lists in the event of a conflict.
- In the event of a power conflict between the union and state lists, the union list will take precedence.
- If the state and concurrent lists overlap, the concurrent list will take precedence.
- In the event of a dispute between the union and concurrent lists, the union list will take precedence.
- In the concurrent list, if there is a dispute between the state and central law, the central law takes precedence. (If the state law is proposed for President's consideration, there is an expectation.)

Special conditions:**Certain special conditions are as follows-****Presidents Rule:**

- When a state is under the president's rule, the union has complete authority over any issue on the state list.
- In this circumstance, any laws passed by the parliament will remain in effect even after the President's rule ends.

During emergencies:

- During a national emergency, the Parliament will have complete control over the state list. The laws enacted during this time will become ineffective six months after the emergency has ended.
- During a financial emergency, the President can direct states to hold money bills and other financial laws passed by state legislatures for his consideration.
- Apart from the capacity of the Parliament to act directly on state topics under extraordinary circumstances, the Constitution authorizes the Centre to exercise control over state legislative concerns in the following ways:
 - The governor has the authority to reserve certain types of laws passed by the state legislature for presidential consideration. The president has complete control over them.
 - Bills on specific topics included in the State List can only be introduced in the state legislature with the president's prior approval.

Administrative relationship between the Union and the States

- Chapter II, Article 256 to Article 263 of the Constitution of India, 1949 deals with the administrative relationship existing between the Union and the States, and also with the Central's methods of controlling the States.

The following are the ways through which the Center exercises control over the States:

A) Direction to the State Governments by the Union Government

- According to Constitutional expert DD Basu; the Union's idea of directing the States is foreign and repugnant to the federal rule.

- However, this idea was adopted by our Constitution framers from the Government of India Act, 1935, viewing the peculiar scenario of India and special circumstances resulting in the emergence of the federation.

The obligation of the Union and the States:

- According to Article 256; the State's executive power shall be exercised in compliance with the Parliamentary legislation, and the executive powers of the Union shall be extended up to directing a State which as it may find necessary for the purpose.

Control of the Union over the States in certain matters

- According to Article 257; the exercise of the executive powers of the States must not impede or prejudice the exercising of the executive power of the Union, and the executive power of the Union shall extend up to directing a State which as it may find necessary for the purpose.
- Such directions by the Union Government may also extend to a State in 2 specific matters-
 - a) The construction and maintenance of the communication mean possessing national and military significance,
 - b) Measures to be adopted by the States in protecting the railroads situated within the perimeter of the States.

- This directive power by no means encroaches on the Parliamentary powers to declare highways or waterways as National Highways and waterways, and construct communication modes as a part of functions relating to the military forces of the Union.
- If any extra cost is incurred by the State Government, while carrying out the directions of the Union Government; relating to construction and maintenance of the national and military communication, or relating to the protection of the railroads within the States, then the Union Government shall pay such sum as agreed under this provision.
- If the Center and the States fail to agree regarding the payment of such compensation, then an arbitrator appointed by the Chief Justice of India shall decide on the matter.