

## Centre-State Relations

Centre-State Relations in India can be studied under the following heads: -

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

### Legislative relations

Articles 245 to 255(Part XI) of the Constitution deal with the legislative relations between the Centre and the State.

#### Territorial extent:

- The Parliament has the power to create or amend laws for the whole or any part of the territory of India.
- The territory of India comprises the states, UTs and any other area for the time being included in the territory of India. While the state legislature can make laws for the whole or any part of the state.
- Additionally, The Parliament can solely make 'extra-territorial legislations' thus the laws of the Parliament are applicable to the citizens of India and their properties in any part of the world.

#### Distribution of Legislative subjects:

- The union can exclusively make laws on subjects in Union List, States can exclusively make laws on subjects in the state list, and both union and states can make laws on the Concurrent list, but the laws of the Union will prevail. The constitution has vested the residuary powers (subjects not enumerated in any of the three Lists) with the Union Parliament.

#### Parliamentary legislation in the state field:

Can be in the following 5 circumstances: -

1. If Rajya Sabha passes a resolution in the national interest (Art.249)
2. Under Proclamation of National Emergency (Art.250)
3. To Implement international agreements (Art. 253)
4. When states make a request (Art. 252)
5. Under Proclamation of Presidents Rule (Art. 356)

#### Centre's control over State Legislation:

The Constitution has empowered the centre to exercise control over the state's legislature in certain cases in the following manner:

1. The governor can reserve certain kinds of bills that are passed by the state legislature for consideration of the President, and the President has an absolute veto over such bills.
2. Bills on such matters that are present in the State List can be tabled in the state legislature only with the initial sanction of the President such as imposing a restriction on freedom of trade & commerce.
3. The President can give direction to the states for reserving money bills and other such finance bills passed by the state legislatures for his/her consideration during a financial emergency.

### Administrative Relations:

---

Article 256 to 263 covers the administrative relationship between the centre and the states. Article 256 conveys that "the executive powers of every State shall be so exercised in order to ensure compliance with the laws framed by the parliament and any other existing laws which are applied in that State, and the executive power of the Union shall extend to giving of such directions to State as may appear to the Government of India to be necessary for that purpose".

### Centre-State Relations during Emergency:

1. During the national emergency (as per Article 352), the state government becomes subordinate to the central government and All the executive functions of the state come under the direct control of the union government.
2. During a state emergency, the president can assume to himself all or any of the functions of the Govt of the State as well as all or any of the powers vested in or exercisable by the Governor or authority in the State other than the Legislature of the State.
3. During the operation of a financial emergency, the Union may provide directions to any State to observe any such canons of financial propriety as may be specified in the directions, and also to the giving of such other directions as the President may deem adequate and necessary for the purpose.

### Financial Relations:

---

Article 268 to 293 covers the provisions of financial relations between Centre and States. They deal with distribution of tax revenue, grant in aids, etc.

**Finance Commission (Art. 280):** is constituted every 5 years by the President for redistribution of tax revenue among centre and states.

The Finance Commission recommends the President as to:-

1. The distribution between the Union & the States of the net proceeds of the taxes to be divided between them and allocation between the States of respective shares of such proceeds;
2. The principles which should govern grants-in-aid of the revenues of the States out of the Consolidated Fund of India;
3. Measures that are needed to augment the Consolidated Fund of State so as to supplement the resources of the Panchayats as well as Municipalities in the State;
4. Any other matters referred to the Commission by the President in the interest of sound finance

## Trends in Centre-state relations

---

The most recent is the move to abrogate Art. 370 to fully integrate the state of Jammu Kashmir and Ladakh. It transformed a state into a UT thus sparking of new debates on centre-state relations.

Major areas of tensions between Centre and State: -

1. Mode of appointment and dismissal of the governor
2. Discriminatory and partisan role of governors
3. The imposition of Presidents' rule for partisan reasons
4. Discrimination in financial allocation to states
5. Management of All India Services
6. Encroachment by the centre of state subjects

## Sarkaria Commission

---

The Sarkaria Commission was formed by the central government in 1983 in order to examine the centre-state relationship in various fields and provides suggestion within the constitutional framework. The Commission submitted its report in 1988, with the following recommendations:-

1. Uses of article 356 of the constitution should be made sparingly, and all possibilities for forming an alternative government should be explored before imposing Article 356 in the state. The state assembly must not be dissolved unless the proclamation is approved by the parliament.
2. Formation of the inter-governmental council consisting of the prime minister & chief ministers of states to discuss collectively on various canons of governance that cause friction between the centre and states.
3. It favoured for the determination of terms of reference of the finance commission in consultation with the state governments and also setting up of similar expert bodies at the state level was suggested.
4. The high courts' judges should not be transferred without their consent.
5. The three-language formula must be implemented in its true spirit in all the parts of India.

## Punchi Commission

---

The Government of India constituted the Punchi Commission in 2007 to examine centre-state relations. Commission was chaired by the former Chief Justice of India M.M. Punchi. It submitted its report in 2009 with the following recommendations :

1. It called for providing a fixed term of five years to the governors and also their removal via the process of impeachment (similar to that of the President) by the State Legislature.
2. The governor should have the power to sanction the prosecution of a minister against the advice of the council of ministers.
3. It called for amending Articles 355 and 356 to enable the centre to bring specific trouble-torn areas under its rule for a limited period. Hence, it proposed 'localising emergency provisions' under which either a district or parts of a district can be brought under the central government instead of the whole state, a further Such an emergency should not be for more than three months.

4. It proposed that the Centre should have the power to deploy its forces in case of communal conflagration without the state's consent for a short period of a week.

The Constitutional scheme is sound in its fundamentals and can withstand the challenges thrown up by globalisation, technological developments and security threats, provided political leadership at the Central, State and local levels organise governance in the spirit of the Constitution.

byjusexamprep.com