

7th Schedule

[UPSC Notes]

7th Schedule of Indian Constitution

The 7th Schedule of the Indian Constitution has three lists named Union list, state list, and concurrent list that show the division of power between the Union and States with respect to certain subjects. The Union List has a total of 97 subjects, the State List has 66 subjects and the Concurrent List has 47 Subjects.

Before we proceed to learn about the subject that is included in these three lists, first of all, let's look at the key features of union, state, and concurrent lists.

The Union List

Following are the features of the union list-

- The central government or the union government has got the powers to make the laws on all the subjects mentioned under the union list in the Indian Constitution.
- The union list is considered to be stronger and more powerful as it has more subjects than the state list.
- It has many important subjects apart from those mentioned in the concurrent list.
- All the issues or subjects that are related to the security of the nation and welfare of the nation and the uniform legislation throughout the country are secured by the constitution of India and are included in the union list.
- The union list is always considered dominant to the state list and it is taken care of by the constitution of India as if in case any subject overlaps with each other then the judgment made by the union will prevail.
- It is possible for the Parliament to confer power and impose duties Upon a state through the law made on a subject of the union list or to authorize the center to conform power and impose duties on a state.
- The union list has 15 specific subjects on which the Parliament can exercise the power to levy taxes.
- A new subject named taxes on services was added to the union list by the 88th amendment.
- The Parliament has got the power to expand the jurisdiction and powers of the Supreme Court with respect to the matters subjected in the union list.

The State List

Following are the features of the state list-

- The 42nd amendment act 1976 was made where five subjects were descended from the state list to the concurrent list. These five subjects are
 1. The administration of justice, constitution, and organization of all the courts, except the supreme court and the high court.

2. Education.
 3. Forests.
 4. Protection of Birds and Wildlife.
 5. Weights and Measures.
- Under the Indian Constitution, only the state legislatures can pass the laws on the subject listed under the state list. Nevertheless, all of these can only be achieved under normal circumstances.
 - The subject enumerated in the state list can be legislated on by parliament in the national interest under article 249.
 - The parliament is also authorized to overpower the legislation making of the state list under 3 main conditions -
 1. If any resolution is passed by the Rajya Sabha.
 2. On the imposition of article 250, ie, the national emergency.
 3. If two or more states pass the resolution for the parliament to legislate the subjects in the state lists.

A law made under the resolution of states applies to the state that passed such a resolution. It can however be adopted by other states if they pass the same resolution. Changing or repealing a law made by the parliament in response to a state resolution can only be done by Parliament and not by any States on their own, during the active president's rule and for implementing the international agreements.

- The issues related to the regional and local importance that allows the diversity of interest are mentioned in the state list.
- The state list has 20 specific subjects on which the Parliament can exercise power to levy taxes.
- There were special provisions relating to the national capital in the 69th Constitutional Amendment Act of 1991. Public order, police and land are the three subjects on the state list that the daily government cannot legislate for.

The Concurrent List

Following are the features of the concurrent list-

- The concurrent list is managed by both the union and the state.
- Five subjects were added to the concurrent list after the 42nd amendment of 1976. These five subjects are-
 - The administration of justice, constitution, and organization of all the courts, except the supreme court and the high court
 - Education
 - Forests
 - Protection of Birds and Wildlife
 - Weights and Measures
- The concept of a concurrent list, wasn't originally of India as it is adopted from the constitution of Australia.
- As the central and state government both are authorized to make laws on concurrent subjects if any legislation classes between the state and Centre then the law made by the central government can overrule the legislation by the State Government.

- The topics which are not very important, but on which uniformity of legislation is required throughout the country are enlisted in the concurrent list.
- The Concurrent list has 03 specific subjects on which the Parliament and state can exercise power to levy taxes.

Subjects Covered Under The Union List, The State List, The Concurrent List

Union List Subjects

The union list under the 7th schedule has originally 97 subjects which have been revised to 100 subjects.

Subjects under Union List			
Defence of India	Naval, military, and Air Force works	Arms, firearms, ammunition, and explosives	Atomic energy, and mineral resources
Industries declared by Parliament by law	Central Bureau of Intelligence and investigation	Preventive detention for reasons connected with defense or Foreign Affairs.	Foreign Affairs: related to Union and any foreign country
United Nation Organization	War and Peace	Foreign jurisdiction	Citizenship, Naturalization and Aliens
Extradition	Pilgrimages to places outside India	Railways	Piracy and crime committed on higher seas
Highways declared by law made by parliament	Lighthouses including the light ships, and bacon	Maritime shipping and navigation	Reserve Bank of India

State List Subjects

The state list under the 7th schedule has originally 61 subjects which have been revised to 66 subjects.

Subjects under State List			
Public order	Prisons, reformatories, and other institutions of same nature	Public health and sanitation	Pilgrimages, other than outside of India
Relief of the disabled and unemployable	Burials and burial grounds, cremations, and cremation grounds.	Libraries, museums, and other similar institutions	Communication through roads bridges, ferries, and other means of communication
Agriculture including agricultural education and research	Pounds and prevention of cattle trespass	Water supplies, irrigation, canal, drainage, and embankments	Fisheries
Gas and gas works	Inns and innkeepers	Betting and gambling	Salaries and allowances of members of Legislature of state
State public services and state public service commission	Public Debt of the state	Taxes on Agriculture Income	Duties in respect of succession to agricultural land

Concurrent List Subjects

A total of 52 subjects are enumerated in the concurrent list.

Subjects under Concurrent List			
Actionable wrongs	Bankruptcy and insolvency	Trust and trustees	Evidence and oaths, recognition of laws, public acts and judicial proceedings.

Prevention of cruelty to animals	Economic and social planning	Charities and charitable trust	Factories
Protection of wild animals and birds	Commercial and industrial monopolies	Relief and rehabilitation of people displaced from their original place of residence	Price control
Adulteration of foodstuffs and Other goods	Trade unions and Industrial and Labour disputes	Shipping and navigation on inland waterways	Boilers
Drugs and poisons	Legal Medical and other professions	Vital statistics including registration of birth and death	Electricity

Residuary Powers under 7th Schedule

The Residuary powers refer to the exercising of the jurisdiction on the subjects which are not mentioned either in the state list or in the concurrent list. The subjects like cyber laws, Information Technology, etc are included in the residual list. Ideally, just topics are handled by the union government and under article 248 the parliament can exercise its authority for taking decisions over such subjects.

Issues with the 7th Schedule

- The first issue with respect to the seven schedules in the Indian Constitution is that according to it there should be separate powers for state and union where no one should interfere with each other. However, in Some matters, the Union has got the leverage to extend its duration over some subjects mentioned in the state list.
 - For example, if any law made by the state legislature is unacceptable to the Parliament or the central government then under article 254 Union has got the right to void the law and in such case, the law made by Parliament will prevail over the state.
 - Any legislation not covered by the state list of the concurrent list must be passed by the parliament which has the sole authority to make any laws pertaining to them under article 248.
 - The parliament is solely authorized to make the laws pertaining to National interest in the state list under article 249.
- A number of states have been arguing and demanding providing them with more authority in health restructuring the 7th schedule. The P.V. Rajamannar Committee was formed in 1969, which examined the relationship between the

Centre and states. Based on it, the committee made recommendations, demanding federalism at the center and the autonomy of states.

- The roles of state and union, on some grounds, are quite uncertain as, for example, during the pandemic period, the Union imposed the public curfew by invoking the Disaster Management Act 2005, whereas the states imposed the curfew by invoking the Epidemic Disease Act 1897.

