

Union-State Relationship

I. UNION, STATE AND CONCURRENT LIST

Under the Seventh schedule, there are three lists: Union, State and Concurrent Lists.

1. **Union List: (97 subjects)** It has a range of subjects under which the parliament may make laws. This includes defence, foreign affairs, railways, banking, etc.
Most powerful subjects.
2. **State List: (66 subjects)** It has subjects under which the legislature of the State may make laws. This includes roads, agriculture, police, sanitation, health, hospitals, public orders etc.
3. **Concurrent List: (48 subjects)**
 - It includes subjects that gives powers to both Centre and State government. Social and economical planning.
 - This includes education, population control, family planning, protection of wildlife etc.
 - However, if there is a conflict between laws passed by the Parliament and the State, Centre can override State.

NOTES:

- **Residual list** has subjects not included in these lists. Comes under Union govt.
- **Sankriya Commision** was created by Indira Gandhi, because she wanted states to have more autonomy. However, there has been no implementation.

II. UNION GIVING DIRECTION TO THE STATE

- Under **Article 356** of the Constitution of India, **President's rule** would be imposed when the government or government machinery of a particular state fails to maintain law and order.
- Article 356 is not applicable to J&K.
- **Example:** Demolition of Babri Masjid on 6th December 1992, that caused the dismissal of the three BJP govts in UP, Madhya Pradesh and Rajasthan, by PV Narasimha Rao's govt.
- After a gap of 2 years of the dismissal of the three governments, the Supreme Court gave a very tricky judgement to avoid the misuse of Article 356:
 1. If article 356 is used, only Chief Ministers can be dismissed, and the State Assembly would be suspended. Lok Sabha and Rajya Sabha have the pass a bill to revoke the government, and to thereby implement Presidential rule.

2. Judiciary can review everything, and proper guidelines should be allowed.

III. CONSTITUTIONAL AND NON-CONSTITUTIONAL BODY

- The **Constitutional** Body is formed by the Constitution, which helps the govt to run properly.
- Each of these permanent or semi-permanent organizations is responsible for the administration of specific functions.
- Either the President or the PM appoints the chief of these bodies.
- Constitutional bodies are framed by the Constitution of the Nation, and can't be abolished without the consent of the states.
- **Example:** Election Commission, Finance Commission, UPSC etc.
- **Non Constitutional** body is an Institution of the govt, which is not defined in the Constitution, but is formed by the government's actions only.
- **Example:** Niti Aayog, National Human Rights commission etc.

IV. UNION GOVERNMENT CAN CHANGE THE NAME AND BOUNDARY OF ANY STATE OF INDIA

- **Article 3** empowers the Parliament to make changes in area, boundaries, territories, name of states, even if a proposal does not come from the concerned state.
- For this purpose, central govt can simply get a bill passed in the parliament.
- However, Constitution mandates that states must be given an opportunity to express their views, when such a change arises.
- Thus, first central govt will create a bill, the bill would be introduced in the Parliament, President would send the bill to the concerned state, and let them express their views.
- However, their views have no impact on the bill.
- Once the bill is passed, the name of the state gets changed.

V. ADMINISTRATIVE CONTROL OVER THE STATE

- Besides Central and State services, **Article 312** of the Constitution provides for the **creation of All India Services** common to both Union and the States.
- State has authority to suspend officials of All India Services, but the power of appointment and taking disciplinary action against them is only with the President of India.
- Their recruitment, training, promotion, etc is determined by Central govt.
- A member of the IAS on entry into the service is allotted a State, where he or she serves under the State govt.
- **Example:** IAS, IPS, IFOS (Indian Forest Services)

VI. CONTROL OVER STATE VIA CANTONMENT

- Each district in a State has a cantonment, and State has zero control over it.
- State Police cannot enter the cantonment area, and cannot arrest any army officers for anything, except murder or rape.
- **Types of cantonments:** Army, Air-force, CRPF, BSF, Coastguard etc.

VII. EDUCATION

- Education is a **State subject**. Every State has its own board.
- However, Central schools (Kendriya Vidhyalaya) also exists.
- Moreover, private schools mostly follow CBSE and ICSE boards.
- For higher education, there is an organisation at the Centre, **UGC** (University Grants Commission). It is headed by the chairman, appointed by the PM. All degrees are valid if they are recognised by the UGC.
- Technical Education, being a State subject is controlled by the Centre. **AICTE** (All India Council of Technical Education) controls all engineering colleges and management colleges.

VIII. OFFICE OF THE GOVERNOR AND MISUSE OF ARTICLE 356

- **Article 153** of the Constitution of India, requires a governor to be appointed for every State in India.
- Governor is the chief executive head of the State, and is neither directly elected by the people, nor by an electoral college. He/She is directly appointed by the President.
- A governor can be removed at any time, as desired by the President.
- **Qualification:** Citizen of India, and 35 years of age.
- Indira Gandhi believed that a CM serving for two terms, once retired, should become governor. After 17 years of tenure, Rajasthan CM, Mohanlal Sukhadia was asked to become the governor of Karnataka by Indira Gandhi.
- The governor has the power to ask any contesting parties to prove their majority, incase a clear majority has not been formed.
Example: In Kerala, communist party was the single largest party, but not allowed to form the govt. Coalition government was formed by Congress and other parties.
- **Misuse of Article 356:** Presidential rules in the State will be imposed, if the governor gives in writing to the President that law and order has deteriorated, and government cannot work as per the Constitution.
- Due to excess misuse of Article 356, **changes** were made by the SC that dismissal of the government should be approved the Lok Sabha and Rajya Sabha.