

**QUESTION 06**

भारतीय संविधान में संघ और राज्यों के बीच विधायी, प्रशासनिक और वित्तीय संबंधों का समालोचनात्मक विश्लेषण कीजिए। न्यायपालिका की व्याख्या ने इन प्रावधानों को किस प्रकार आकार दिया है? (15 अंक, 250 शब्द)

Critically analyse the legislative, administrative, and financial relations between the Union and the States as delineated in the Indian Constitution. How has the judiciary's interpretation shaped these provisions? (15 Marks, 250 Words)

**Thought Process (Pre-Writing Work)**

- Parts of the question with expected marks criteria
- Directive Word(s)
- Topic Word(s)
- Limiting Words
- Writing Presentation
- Writing Interpretation

**This section will be discussed in the Answer Discussion Class.**

**Description of the Answer Content**

The Indian Constitution, while establishing a federal framework, portrays union-state relations with a distinct centralist bias, reflecting the Constitution makers' concern for national unity, and scholars call it quasi-federal. Legislative, administrative, and financial provisions institutionalize this asymmetric power balance, which the judiciary has significantly shaped over time through its power of judicial review and constitutional interpretation.

**A. Constitutional provisions of Legislative relations:****Critical analysis:**

The Seventh Schedule divides powers into the Union, State, and Concurrent lists. Critically, the Union Parliament holds supremacy, with the power to legislate on State subjects in the "national interest" (Article 249) and

Parliament's law prevailing over state laws on the Concurrent list in case of repugnancy (Article 254).

### Judicial interpretation

- **Doctrine of Repugnancy:** Courts have frequently interpreted Article 254 to resolve conflicts between central and state laws on Concurrent List matters, reinforcing the supremacy of parliamentary legislation.
- **Extraterritorial Nexus:** In cases like *State of Bombay v. R.M.D. Chamarbaugwala*, the Supreme Court upheld the "doctrine of territorial nexus" concerning state legislative powers, validating laws with a real connection to the state even if their effects were outside its boundaries.
- **Strengthening federalism:** The judiciary has occasionally intervened to protect federalism by interpreting the extent of Parliament's power to legislate on state subjects, ensuring the central government doesn't overstep its constitutional bounds.

### B. Constitutional provisions of Administrative relations:

#### Critical analysis:

The Centre exerts considerable control through its power to issue directions to states (Articles 256, 257) and by appointing Governors, who can reserve state bills for presidential assent.

Further, The center can issue directives to states on the execution of union laws and matters concerning national importance, railways, etc. The provisions for central directives and the dominance of All India Services compromise state autonomy, turning the state governments into subordinate agencies of the center rather than co-equals. This has often led to conflict, particularly when different political parties are in power at the center and in the states.

Likewise, misuse of emergency provisions (Articles 352 and 356) have been a persistent source of federal friction.

#### Judicial interpretation:

- **S.R. Bommai v. Union of India (1994):** This landmark judgment significantly curbed the arbitrary use of Article 356, making the imposition of President's Rule subject to judicial review. This decision strengthened federalism by safeguarding against central overreach.

- **No absolute or pocket veto of Governors:** In the recent Tamil Nadu case, the court used its special powers under Article 142 to provide a remedy for the governor's inaction. The Supreme Court has clarified that a governor cannot indefinitely delay or exercise an "absolute veto" over bills passed by a state legislature. The court has established that governors must act within a reasonable time and generally on the "aid and advice" of the Council of Ministers.

### C. Constitutional provisions of financial relations:

#### Critical analysis:

The constitutional provisions create a vertical fiscal imbalance, where states have greater expenditure responsibilities but fewer revenue sources, making them financially dependent on the center. This dependency is amplified by the center's imposition of non-shareable cesses and surcharges and its discretion over grants under Article 282.

Further, the introduction of GST, while unifying the market, has further reduced state autonomy over indirect taxes, although a GST Council, under Article 279A was established to promote collaborative decision-making.

#### Judicial interpretation:

**Interpreting taxing powers:** The judiciary has interpreted the allocation of taxing powers, resolving disputes over whether a particular tax falls under the Union or State List. For example, it clarified the center's authority on internet service taxation.

**Federal principles:** Courts have sometimes stressed the importance of constitutional balance in financial relations, even if their direct intervention in fiscal policy is limited. They have underlined the need for a non-partisan approach to resource distribution, referencing the recommendations of commissions like Sarkaria (1983) and Punchhi (2007).

The judiciary, acting as the guardian of the Constitution, has played a critical role in interpreting these provisions, particularly in cases concerning emergency powers and tax matters. However, as evidenced by recurring conflicts over issues like GST compensation and the Governor's role, the practical dynamics of federalism continue to be a site of evolving tension, requiring ongoing deliberation and adjustments.

**If Aspirants have any doubts, kindly ask the Mentor in the Answer Discussion Class**

## The purpose of this explanation is to value addition only.

## One Model Answer can be...

The Indian Constitution establishes a quasi-federal structure with a strong unitary bias. It delineates legislative, administrative, and financial relations in Articles 245–293, primarily across three Schedules and Parts.

### **Legislative Relations (Articles 245–255):**

- Seventh Schedule divides powers into the Union List, State List, and Concurrent List.
- The Union has overriding power in the Concurrent List (Article 254) and during national emergencies (Article 250).
- Residuary powers rest with the Union (Article 248).

### **Judicial interpretation on legislative relations:**

- **Doctrine of Repugnancy:** interpreted Article 254 to resolve conflicts between central and state laws on Concurrent List matters
- **Strengthening federalism:** Judiciary ensuring the central government doesn't overstep its constitutional bounds.

### **Administrative Relations (Articles 256–263):**

- States are required to comply with Union laws.
- The Union can give directions to States and deploy All India Services (Article 312) to ensure administrative cohesion.
- Inter-State Councils (Article 263) facilitate coordination, though underutilised.
- Article 154 declares that the executive power of the state is vested in the Governor, who also acts as the central government's representative.

### **Judicial interpretation on administrative relations:**

- **S.R. Bommai v. Union of India (1994):** This landmark Supreme Court judgment significantly limited the arbitrary use of Article 356 (President's Rule), emphasizing federalism as a basic feature of the Constitution.
- **Governor's Role – No Absolute or Pocket Veto:** In a recent Tamil Nadu case, the Supreme Court invoked its extraordinary powers under Article 142 to address the governor's inaction in granting assent to a bill.

**Financial Relations (Articles 268–293):**

- The Union controls major taxes; States rely on grants-in-aid and Finance Commission recommendations.
- Vertical fiscal imbalance persists, leading to dependency of States on the Centre.
- Grants-in-aid (Article 275) and centrally sponsored schemes often limit states' fiscal autonomy.

**Judicial interpretation:**

- **Interpreting taxing powers with federal principles:** The judiciary has been highlighting the need for a non-partisan approach to resource distribution, citing the recommendations of commissions such as Sarkaria (1983) and Punchhi (2007).

While the Constitution leans toward centralization, judicial interpretations have played a crucial role in safeguarding federal balance, essential for India's diverse polity. However, challenges like fiscal dependency and political centralization continue to test Centre-State relations.

# # Aspirants can use the brainstorming method to answer such information. Such method helps in avoiding unnecessary rambling and ensures that all the main points are covered within the word count.

**Space for Answer Discussion**

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