

**Centre-State Relations Under Indian Constitution**  
**An Assessment of Its Working in Present Scenario**

Prof. (Dr.) B. P. Singh Sehgal

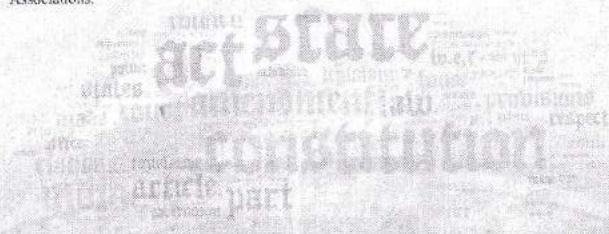
*About the Book*

This book covers the views and opinions of various Academicians and Researchers on a Global theme 'Education for Sustainable Development' in the form of Research Papers and Articles. The book is the collection of 35 Research papers covering various dimensions of Education for Sustainable Development in relation to ICT, Innovative Pedagogical Practices, Globalisation, Liberal Learning, Inclusive & Equitable Quality Education for life long learning, Global, Social, Economical and Environmental issues for Sustainable Development. This book is an effort to develop an insight for Education for Sustainable Development among Teachers, Researchers, and Students dealing with the theme.

*About the Editors*



**Dr. Sugandha Goel** is an Experienced IT Professional, true teacher and an innovative Leader having a vast experience in the field of Information and Communication Technology. She is serving as the Director IT Department & Dean Academics of IPEM Group of Institution, Ghaziabad. Dr. Goel is Ph.D, MCA, M.Sc (Physics) with specialization in Electronics. She has more than 20 years of experience in academics and industry. She has graced various academic and social events with her benign presence at Schools and colleges. Dr. Goel is also the Editor-in-Chief of IPEM Journal for Innovation in Teacher Education. Her many research papers have been published in various reputed National and International Journals. She has been associated with many NGOs like Pinkshree to serve the society. Dr. Goel is the active member of several educational Associations.



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CONSTITUTION - AN ASSESSMENT OF ITS  
WORKING IN PRESENT SCENARIO**

*Editor-in-Chief*

**Prof. (Dr.) B.P. Singh Sehgal**

*Associate Editors*

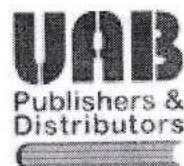
**Dr. Minaxi Tomar**

**Neha Garg**

**Archana Singh**

**Neeraj Sharma**

**Sonam Vishnoi**



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**Ch-1**

## **CENTRE-STATE RELATIONS – SOME HIGHLIGHTS**

**Prof. (Dr.) B. P. Singh Sehgal**

*Director and Advisor, IPEM Law Academy, Ghaziabad*

*Former Head and Dean, Faculty of Law, Dean Academic Affairs*

*University of Jammu, Jammu*

It is important to discuss the Centre-State relations to analyse the harmonious relationship between Centre and States during the working of Constitution in last seventy years. However during last few weeks some developments took place like enactment of Citizen Amendment Act, and the Government's move for National Population Register and related matters, which created a rift between Centre and some States. Similarly during present Corona crisis, some States ruled by political parties different from the political party ruling the Centre raised allegation that they are being discriminated in getting aid and assistance from the Central Government. All these issues made this topic more important and needed urgent discussion. India adopted a Federal Constitution where the powers have been divided into the Centre Government and the State Governments, both units are entitled to perform their functions within their assigned area and cannot go out of it or encroach on the area assigned to the other. However the Federal framework of the Indian Constitution provides for a good deal of centralization. The Union Government has a large sphere of action and plays a more dominant role than the States. Making the Union Government stronger has a background. We know when India became independent in 1947; there were more than 500 small and big States also which were made independent by British Empire. These States were given option to merge with India, or Pakistan or remain independent. Though the then Government at the centre managed to convince these States to merge with Union of India. To avoid any threat of disintegration in future from any State, the Constitutional Framers decided to make Union Government stronger and be given more





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**Ch-5**

## **NATURE AND HISTORY OF FEDERALISM IN INDIA**

**Neeraj Sharma**

*Assistant Professor, IPEM Law Academy, Ghaziabad*

Federalism means the division of power between the centre and the states. In changing political system, federalism has also changed. The newly independent countries established federal system to maintain their diversity and cultural identity which can be distinguished with the traditional federal system. The understanding of federal system is not universal as different countries have different patterns of Federalism. Hence, developing countries like India and Ethiopia defined federal system in different ways. For instance, Ethiopian federalism acknowledges ethnic federalism, while India is quasi-federal and has co-operative federalism, but follows basic features of the federalism. This paper seeks to understand the concept of federalism and its dimensions in the developing countries like India and Ethiopia with a comparative analysis.

### **INTRODUCTION**

The term 'federalism' has been used in a variety of contexts. Indeed the extent of terminological and conceptual abuse has obscured its meaning. Like the word 'democracy', federalism stands to mean different things to different people. In principle, federal concept is meant, the idea of organization of state whereby a compromise is achieved between concurrent demands for union and for territorial diversity within a society, by the establishment of a single political system, within which, general (Central) and regional (State) governments are assigned coordinate authority so that neither level of government is legally or politically subordinate to the other.<sup>1</sup>

Federalism thus is a method of dividing powers so that the central and regional governments are within a sphere coordinate and independent. To be clearer, federalism provides a constitutional device for bringing unity in





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**Ch-11**

## **FEDERALISM IN INDIA: NATURE AND HISTORY**

**Neeraj Nagar**

*Assistant professor, IPEM Law Academy, Ghaziabad*

Federalism can be defined as that structure of government which divides the obligations and potentiality between two levels of governments having equal status. Hence federalism is a crucial tool or system of government for the lawful control over the affairs of the political units of the country. It therefore acts as a see-saw kind of balancer between the forces focussing in the application of power at a central point and the forces which favour the scatter or favour process that drives away the power in the number of unit.

Hence, one who is the national of the federal country, or one who is the inhabitant of the federal country has to follow the order or command of the two governments. So, Centre and State are the two identities in which the authorities and obligations are divided. However they come in contact with each other at various issues and thus arises, the inter- governmental relations in a federal country. The same is with the Indian Constitution which describes the two sets of government namely Centre and State government.

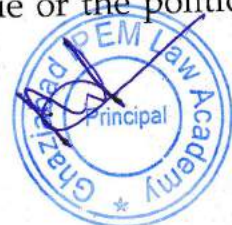
### **FEDERALISM IN DETAIL**

Federalism tie up or holds together various self-governing, sovereign, definite, well defined entities. Therefore, federalism chase to reunite the unification with rectitude, togetherness with diversion and patriotism with regionalism. Hence federal government is basically the power which is concentrated as well as divided. Thus, both the centre and state government function with its assigned field.

### **ROOT SAND HISTORY OF FEDERALISM**

The term '**federalism**' is derived from the Latin word *fodues*, which simply means "treaty". Earlier, it had the meaning as league or the political relationship among various States.

The two main roots of federalism are:





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**Ch-19**

## **A CRITICAL ANALYSIS OF LEGISLATIVE POWERS DISTRIBUTED IN INDIA**

**Neha Garg**

*Assistant Professor, IPEM Law Academy, Ghaziabad*

### **INTRODUCTION**

The power's distribution in India is an important feature of unionism. Distributing power between the centre and the states is the main purpose of establishing a federal state. The federal constitution has humbly done a dual job with the federation between the centre and the states, each constitution granting them the highest authority, respectively. "One is not inferior to the other in his own field; the power of one is coordinated with the cooperation of the other."<sup>1</sup> In fact, the basic principle of the federation is that the legislative, executive and economic powers are distributed between the centre and the state only through the Constitution.

Dacey explain "the distribution of powers as a unique element of federalism. The Motive for which a federal state is formed, includes a distribution of power between the Centre and the states..."

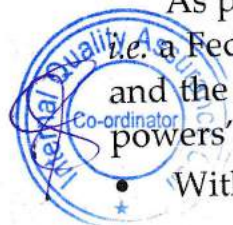
Prof. K.C. Where says, the federal principle is that the method of distributing power is that the general and regional governments are each domain-coordinated and independent."

Indian Constitution is based on the principle of federalism, which has been taken from the Government of India Act, 1935 and plans to double the allocation in the Legislative Assembly.

### **Strategy of Legislative Powers Distributed in India**

As per the Article 1 of the Indian Constitution<sup>2</sup>, India is a Union of States, i.e. a Federation of States. There is a division of functions between the Centre and the States in a federation. In the Indian Constitution, plans of legislative powers' distribution are divided • With reference to territory; and

• With reference to subject matter





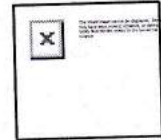
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**Ch-20**

## **CENTRE-STATE RELATIONSHIP IN REFERENCE TO WATER DISPUTE IN INDIA**

**Dr. Minaxi Tomar**

*Assistant Professor, IPEM Law Academy, Ghaziabad*

### **CONTEXT**

The Federal interstate disputes over river banks are the most controversial subject in Indian federalism. The recent cases of the dispute over the water of the Cauvery River and the Satluj Yamuna Link waterway are some examples. Although several interstate water disputes courts have now been established, they have their own problems.

### **FEDERAL WATER INSTITUTIONS OF INDIA**

The conditions related to water bodies are:

- Law in the event of a water dispute, Article 262 of the Constitution states that any dispute or complaint related to the use, distribution, or control of the water of any interstate river may be referred to Parliament for adjudication..
- List 17 - The entries in the State List are related to water, that is, water supply, irrigation, channels, drainage, standing water, water storage and hydroelectric power.
- Article 56 of the Central Program authorizes the Central Government to regulate and develop interstate rivers and valleys as long as Parliament confirms that the Program is in the public interest.
- Parliament can, by law, resolve any dispute regarding the water supply or any other interstate water issue.
- Parliament can decide that the Supreme Court or any other court cannot exercise jurisdiction over any other dispute.

Ravi and Beas problem in Punjab, Haryana and Rajasthan, Narmada problem in Madhya Pradesh, Gujarat, Maharashtra and Rajasthan,





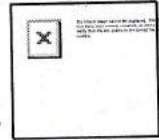
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**Ch-24**

## **CENTRE STATE RELATIONS: LEGISLATIVE POWER OF CENTRE ON STATE SUBJECT**

**Archana Singh**

*Assistant Professor, IPEM Law Academy, Ghaziabad*

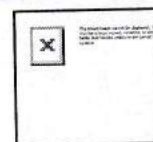
### **INTRODUCTION**

The breakdown of the national consensus on a parliamentary majority in India, a phenomenon which is characteristic of the function of parliamentary governments in the developing countries has led to a dangerous trend to identify the federal division of powers with sub-national pluralism. In an attempt to seek legitimacy for the coalition governments, which largely depend upon the support of several regional parties, a phenomenon specified to the Indian political system, many of the political parties, which claimed to have demolished one-party dominance have called for the identification of the federal division of powers with sub-national identities representing the pluralist content of the Indian society.

The Constitution of India is federal in form but is more unitary in character. Strengthening the federal system is necessary for preserving the unity of India and meeting the aspirations of the people who are governed through State Governments. Therefore, Centre-State relations, *i.e.* the arrangements between the Union Government and the States with regard to their powers, functions and responsibilities have always been a crucial issue. The basic structure remains to be one where legislative, administrative and financial powers are disproportionately concentrated in the Union Government with the states having a large number of responsibilities without sufficient autonomy (Bagchi: 2000). Along with significant socio-economic and political changes occurring in the post-independence period, Centre-State relations have also undergone some changes. The period since 1991, which witnessed a paradigm shift in the economic strategy from planned development to a market-oriented one has also thrown up new issues and challenges for the federal set-up.







## **FEDERALISM IN INDIA: A STUDY WITH CENTRE-STATE RELATION**

**Sonam Vishnoi**

*Assistant Professor, IPEM Law Academy, Ghaziabad*

### **INTRODUCTION**

Given the way the country's economic centre is moving towards the states, it cannot be denied that India's economic development is currently dependent on cooperative federalism. It is important to note that the federal character of the Indian Constitution is one of its major features, although the word 'Federation' is not used anywhere in the Indian Constitution. Rather, India is referred to in the Indian Constitution as the 'Union of States'. Indeed, many experts believe that India is a semi-federal country, that is, it is a federal state that also has some characteristics of a unitary government.

### **WHAT IS FEDERALISM?**

It is known that the word federalism originated from the Latin word 'Foedus' which means a type of agreement or agreement.

In fact, the federation is an agreement between two types of governments to share power and control their respective regions.

It can be said on this basis that federalism is a form of government in which at least two levels of government exist within the country - first at the central level and second at the local or state level.<sup>1</sup>

In India's situation federalism can be defined as the distribution of rights between local, central and state governments.

### **Cooperative versus Competitive Federalism**

The concept of federalism is divided into two parts on the basis of the relationship between the central and state government (1) cooperative federalism (2) competitive federalism.

