



### *Centre state relations*

All legislative, executive and financial powers are divided between the centre and the states according to the Indian constitution in the context of Centre-State Relations.

There are three types of relationships involved in the centre -states relations:

- Legislative Relations
- Administrative Relations
- Financial Relations

**Also read:** [Indian Federalism – 15 Issues that Challenge the Federal Structure of India; Functions and responsibilities of the Union and the States](#)

### *Legislative Relations*

**Article 245 to 255** of the constitution deals with the legislative relation between the centre and states. Indian constitution also divides the legislative power between the centre and states with respect to both territories and the subjects of legislation.

There are four aspects of the legislative relationships between the union and the states:

- Territorial extent of central and state legislation
- Distribution of legislative subjects
- Parliamentary legislation in the state field
- Centre's control over state legislation

#### Territorial Extent of Central and State Legislation

The ability to pass legislation that covers all or a portion of India's territory belongs to [Parliament](#) (territory includes union, state, UT)

Laws can be passed by the state legislature that is applicable to the entire state or only a portion of it. Unless there is a sufficient connection

between the state and the object, state laws are not applicable outside of the state.



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The only body with the power to pass “extraterritorial” legislation is Parliament.

Situations where parliamentary laws aren’t applicable in the following areas:

- The President has the authority to enact rules that have the same force and effect as laws passed by parliament for the Andaman and Nicobar Islands, Daman and Diu, Dadra and Nagar Haveli, Ladakh and Lakshadweep.
- Governor is empowered to direct that an act of Parliament does not apply to scheduled areas in the state or apply with specified modifications and exceptions.

Distribution of Legislative Subjects

**The Union List, State List, and Concurrent List** are the three divisions established by the constitution.

Parliament is the exclusive authority when it comes to the Union list.

In most cases, the state legislature alone has the power to pass legislation pertaining to the things on the state list.

The state and federal governments can both pass laws on the subjects mentioned in the concurrent list.

The ability to pass laws with a recurring theme rest with Parliament.

The concurrent list is given precedence over the state list, and the union list is given precedence over the state list.

The power to make laws with respect to residuary subjects is vested in the Parliament.

Parliamentary Legislation in the State Field

- The Constitution permits Parliament to enact laws on any topic included in the state list under the following five exceptional circumstances:
- **When Rajya Sabha approves a resolution** with the support of two-thirds of the members present and voting, it will provide parliament with the authority to enact legislation on a state list issue that is best for the nation. Such a resolution



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lasts for a full year. A resolution like this can be renewed a number of times, but not for more than a year at a time. The laws passed in accordance with the resolution cease to be in force six months after it was adopted. In the event of a disagreement between state and union legislation, the latter prevails. A state may, however, pass legislation on the same issue.

- When a declaration of a **National emergency is in force** the Parliament may pass laws on any matter covered by the state list. The legislation passed under this are only valid for six months before they expire. State law may also enact legislation on the matter, but in the event of a conflict, union law will take precedence.
- **When a state makes a request to Parliament** to act on a list of issues by passing a resolution to that effect, Parliament is given the power to do so. The state forfeits all rights there once this resolution is approved. **To implement International Agreements**, the parliament can make laws on any matter in the state list for implementing International Treaties, agreements and conventions.
- **When President's Rule is imposed** in a state, the parliament becomes empowered to make laws with respect to any matter in the State List.

### Centre's Control Over State Legislation

According to the Constitution, the federal government is authorised to exercise the following influence over state legislative affairs:

- Specific laws established by the state legislature may be set aside by the governor for presidential consideration. They are entirely under the president's power.
- Bills on specified subjects listed in the state list can only be filed in the state legislature with the President's prior consent. For instance, interstate trade and commerce.
- **The President** may ask a state to lay aside money bills and other financial bills for his consideration in the case of a financial emergency.

### *Administrative Relations*

The distribution of legislative authority has resulted in a shared executive branch between the federal government and the states.

**Article 256 to 263** of the constitution deals with the administrative relation between the Centre and States.

### Distribution of Executive Powers



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The centre's power encompasses the entire nation when it comes to matters over which it has exclusive jurisdiction (union list), as well as when it exercises any rights, jurisdiction, or authority granted to it by a treaty or agreement.

The subjects listed in the state list fall under the state's purview.

The states have the executive authority in matters involving the concurrent list.

The state's executive branch must act in a way that ensures the laws established by Parliament are upheld.

A state's executive power may not be interfered with or affected in any way.

The Obligation of States and the Centre

The constitution has placed two restrictions on the executive power of the states in order to give ample scope to the centre for exercising its executive power in an unrestricted manner.

- The state's executive branch must act in a way that ensures the laws established by Parliament are upheld.
- As not to prejudice the executive power of the centre in the state.

In both cases, the executive power of the Centre extends to giving such directions to the state as are necessary for the purpose.

The sanction behind these directions of the Centre is coercive in nature.

Thus, **Article 365** says that where any state has failed to comply with any directions given by the Centre, it will be lawful for the President to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution. It means that, in such a situation, the President's rule can be imposed in the state under **Article 356**.

Centre's Direction to the States

In Centre-State Relations, the following circumstances are where the Centre may provide advice to states:



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Construction and maintenance of communication systems deemed to be of national or military importance by the government.

Actions to be taken to guarantee the state's railways are safe.

Provision of enough resources for students from linguistic minority groups to receive elementary school instruction in their home tongue.