



Union & State Relations

Legislative Relations

Distribution of legislative powers described in the VII Schedule of Indian Constitution

- (a) **Union List** - Only Union Parliament is empowered to make laws on the subjects given in the Union List. 98 subjects (after 42nd Constitution Amendment Act, 1976) (few important subjects listed below)

Defense, Foreign Relations, Post and Telegraph, International War and Peace, International Trade, Commerce, Citizenship, Coinage, Railway, Reserve Bank, International Debt, Atomic Energy, etc..

- (b) **State List** - Only State Legislature is empowered to make laws on the subjects given in the State List. 62 subjects (after 42nd Constitutional Amendment Act, 1976) (few important subjects listed below)

Public Health, Roads, Agriculture, Irrigation, Prisons, Local Administration, Distribution of Water, Police, etc..

Exception : In the case of Emergency, Union Parliament automatically grabs the power of legislation on the subjects given in the State List

C, Concurrent List:

Both, Union Parliament as well as State Legislatures, have the power of legislation on subjects given in the Concurrent List. 52 subjects (After the 42nd Constitutional Amendment Act, 1942) (few important subjects listed below)

Marriage, Divorce, News Papers, Trade Unions, Books, Press, Eatable Items, etc..

In case of disagreement, the legislation passed by Union Parliament shall prevail over the law passed by State Legislatures.

Residuary Powers : Article 248, Union Parliament shall make laws over the subjects not included in the above-given lists.

Union Parliament's Power to Legislate on the Subjects given in the State List

- i. On the basis of the resolution passed by the Council of State - Article 249, 2/3 majority, Issues of National Interest
- ii. On the request of two or more state legislatures – Article 252, Law passed by Union Parliament shall be applicable only to the states which demanded such legislation.
- iii. For the enforcement of International Treaties and Agreements – Article 253
- iv. Prior approval of President of India on certain Bills – Article 304
- v. Supremacy of Union Parliament during National Emergency – Article 352
- vi. During Constitutional Emergency – Article 356
- vii. Supremacy of Union Parliament over Concurrent List
- viii. Residuary Powers are under the control of Union Parliament – Article 248
- ix. Power of Union Parliament to abolish State Legislative Council – Article 169

Administrative Relations

- i. State's responsibility about the use of their executive powers – Article 256
- ii. Responsibility of the construction and maintenance of means of communication – Article 257 (2)
- iii. Responsibility of the protection of Railways – Article 257 (3)
- iv. Appointment of Governors by Centre – Article 155

Administrative Relations



- i. Influence of centre during national emergency – article 252
- ii. Influence of centre during constitutional emergency – article 356
- iii. To solve disputes regarding the distribution of water of inter – state rivers – article 262
- iv. Protection of federal property in the states

Administrative Relations

- i. All India Services – Article 312
- ii. To establish Inter – State Council – Article 213
- iii. Direction for the welfare of Scheduled Tribes
- iv. Governor's discretionary power – Assam & Nagaland

Financial Relations

Sources of revenue of Union Government

- ▶ Custom and Export Duty
- ▶ Income Tax
- ▶ Corporation Tax
- ▶ Estate Duty (Excluding Agriculture)
- ▶ Excise Duty on Tobacco and other intoxicants
- ▶ Succession Duty (Excluding Agriculture)
- ▶ Inter – State Trade Tax, etc..

Financial relations

Sources of Revenue of State Governments

Taxes on agriculture, House Tax, Tax on Electricity, Toll Tax, Entertainment Tax, Tax on Boats, Tax on Vehicles, Tax on cattle and house-hold animals, Tax on Minerals, etc..

Grants to the States – Article 275

Appointment of Finance Commission – Article 280

Financial Emergency – Article 360

Provision of Comptroller and Auditor General