



Concurrent List: A source of Tussle between Centre and States in India

Shreyansh

Research Scholar, Department of Law, M.D. University, Rohtak

shreyansh.rs.law@mdurohtak.ac.in

Abstract

The division of powers between the central government and the states is the most distinguishing feature of a federal constitution. The Indian Constitution establishes a unique sort of federalism that is tailored to the country's specific requirements. In terms of power distribution, the Framers adopted the model established by the Government of India Act, 1935. Accordingly, when it comes to the division of legislative powers, the Union Parliament has been granted precedence over the State Legislatures or Assemblies under the Constitution. “In addition to the scheme of distribution of powers between the Union and State Legislatures (which is provided in three lists under the Constitution), fundamental rights (which means that legislative powers cannot be used to contravene fundamental rights), and other provisions of the Constitution, legislative powers are subject to the provisions of the Constitution (Arts. 245-254).

Key Words: Constitution, Concurrent list, centre, state

Introduction:

Governing the nation is the Constitution of India, which is the highest legal authority. Governmental rights, powers, and responsibilities are defined by the Constitution as essential political concepts, processes, practises, rights, powers, and responsibilities. The constitutional provisions of India on the issue of the division of legislative powers between the Union and the States are outlined in a number of articles and schedules of the Indian Constitution. It is the seventh schedule of Article 246 of the Constitution that deals with how authorities are divided between the federal government and the states. It is divided into three lists: the Union List, the State List, and the Concurrent List. The union list contains the issues on which Parliament has the authority to legislate, while the state list contains the subjects that are within the jurisdiction of state legislatures. The concurrent list, on the other hand, contains topics over which both the Parliament and the state legislatures have authority, such as education and health care. When a



disagreement arises on a concurrent list item, the Constitution grants federal supremacy to Parliament in the event of a conflict.

It is defined under several articles of the Indian Constitution, with articles 245 and 246 specifically addressing the distribution of legislative powers between the Union and the States. The most important provisions in this regard are specifically defined under these two articles of the Constitution of India. It is defined and specified in the Seventh Schedule to the Constitution of India, how powers and functions are divided up between the Union and the States. It consists of three lists, which are as follows:

- 1) Union List,
- 2) State List and
- 3) Concurrent List.”

Union List:

Listed in the “Seventh Schedule to the Constitution of India, the Union List is a list of 100 (originally 97) numbered things that are considered to be essential. The Union Government or the Parliament of India has the only authority to legislate on subjects pertaining to the things listed in this section. Among the most significant are:

- India's Defence Forces
- The naval, military, and air forces, as well as any other armed forces of the United States
- Delineation of cantonment zones and establishment of local self-government
- The atomic energy and material resources required for its creation are available.
- Industries that have been proclaimed by Parliament to be indispensable for the purposes of defence or the prosecution of war by legislation.
- Bureau of Intelligence and Investigation (Central Bureau of Intelligence and Investigation).”
- Persons subjected to preventive custody for grounds related to defence, foreign affairs, or the security of India; those who are subjected to preventive detention.
- War and peace are two extremes.
- Citizenship, naturalisation, and aliens are all topics covered.
- Pilgrimages to locations other than India.
- Highways that have been designated as national highways by or under legislation enacted by Parliament.



- The transportation of goods and the navigation of inland waterways
- Currency, coins, and legal tender; foreign exchange; and other related topics.
- The Post Office Savings Bank is a savings bank that is located in the Post Office Building.
- The definition of customs boundaries is used in the context of international trade and business.
- Trade and commerce between countries.
- The establishment of uniform weight and measurement standards.
- Mines and minerals are subject to government regulation.
- “Regulation of labour and safety in mines and oilfields, among other things.
- The regulation and development of interstate rivers and river systems.
- Fishing and fisheries activities that take place outside of territorial seas
- The institutions known as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial, and the Indian War Memorial at the time of the adoption of this Constitution.
- These are the institutions that existed at the time of the adoption of this Constitution, and they are the Benares Hindu University, Aligarh Muslim University, and Delhi University.
- elections for the House of Commons, the State Legislatures, as well as for the positions of president and vice president; the Election Commission
- The salaries and allowances of members of Parliament, as well as the Chairman and Deputy Chairman of the Council of States, as well as the Speaker and Deputy Speaker of the House of People
- The Supreme Court's constitution, organisational structure, jurisdiction, and powers.
- The constitution and organisational structure (including vacations) of the High Courts of the United States.
- All courts, with the exception of the Supreme Court, have jurisdiction and powers.”

State List:

The State List is a list of 61 (formerly 66) articles in the Schedule Seven of the Indian Constitution that pertain to the state of a particular state. The only authority to legislate on topics pertaining to these goods rests with the various state governments. Among the most significant are:



- Maintaining public order, but without the employment of any naval or military or air force, or any other armed forces of the United States of America
- Police
- Officers and employees of the High Court of Justice
- Correctional facilities, reformatories, and Borstal institutions
- The government at the local level
- Public health and sanitation, as well as hospitals and clinics
- Pilgrimage activities other than pilgrimages to destinations outside of India.
- Those who work in the intoxicating liquor industry are responsible for the production, manufacturing, transportation, purchasing, and sale of intoxicating liquors.
- Institutions such as libraries, museums, and other comparable establishments
- Transportation, which includes roads, bridges, ferries, and other modes of transportation that are not specifically included.
- Farming and veterinary training and practise include the following: preservation, protection, and improvement of stock, as well as the avoidance of animal illnesses.
- Fisheries
- Mines and mineral development regulations are a matter of discussion.
- Trade and trade inside the state are subject to regulation.
- Elections to the State Legislature are held every two years.
- Taxes on professions, trades, callings, and positions of employment

Concurrent List:

There are 52 (originally 47) things on the list at the time of writing: Included are topics that fall within the joint jurisdiction of the European Union and the various member states. However, since there may be a dispute between laws approved by “Parliament and state legislatures on the same issue, the Constitution states that a central legislation will take precedence over a state law.

- Criminal law and procedure
- Preventive detention for reasons related to the security of a state, the preservation of public order, or the provision of necessary supplies and services to the population; those who are subjected to preventive custody.



- Transfer of inmates from one state to another another
- Relationships such as marriage and divorce
- The transfer of property that is not agricultural land
- Bankruptcy and insolvency are two terms that come to mind.
- Belief in others and the ability to delegate authority.

- Evidence and oaths, acknowledgement of laws, public actions and documents, and judicial processes are all examples of evidence and oaths.
- Civil procedure is a branch of law that governs how people interact with one another.
- Contempt of court, with the exception of contempt of the Supreme Court of Canada.
- Nomadic and migratory tribes; nomadic and migratory tribes
- Insanity and mental inadequacy are symptoms of schizophrenia.
- Preventing animal abuse is a priority.
- The adulteration of foodstuffs and other items is prohibited.
- narcotics and poisons
- Economic and social planning are important.
- Labor unions, industrial conflicts, and other labor-related issues.
- Social security and social insurance; employment and unemployment; and pensions and retirement plans.
- The well-being of the workforce
- Education
- Professionals in the legal, medical, and other fields.
- Assistance and rehabilitation for those who have been relocated from their initial place of residence
- Charitable organisations and charitable institutions
- The prevention of the spread of infectious or contagious illnesses or pests that harm humans, animals, or plants from one state to another.
- Maintaining control over prices.
- Newspapers, books, and printing presses, to name a few examples.
- Archaeological sites are a kind of archaeological site.
- Stamp duties are levied.



Transferred Subjects:

Five items were moved from the State List to the Concurrent List as a result of the 42nd Amendment Act of 1976. They are as follows:

- Education
- Forests
- Weights and Measures (W&M)
- Wildlife and bird protection is a priority.
- Administration of Justice (administration of justice)

Debate over Centralisation of power:

- A number of revisions to the Constitution's Seventh Schedule have been made since 1950. Topics on the Union List and Concurrent List have increased in number, while subjects on the State List have decreased in number.
- The 42nd Amendment Act was possibly the most divisive of the Constitution's amendments. The amendment, which was implemented in 1976 during the Emergency by then Prime Minister Indira Gandhi, restructured the Seventh Schedule, ensuring that State List subjects such as education, forest, wildlife protection, administration of justice, and weights and measurements were transferred to the Concurrent List.
- Former Tamil Nadu Chief Minister CN Annadurai was one of the first leaders in the country to fight for state autonomy and federalism at the federal and state levels. As he put it in 1967, it will be sufficient if the Centre preserves just those authorities that are required for safeguarding the unity and integrity of India, while delegating suitable authority to the states.
- Following up on his suggestion, the Tamil Nadu government under M Karunanidhi established the PV Rajamannar Committee to investigate ties between the Centre and the state. In 1971, the Rajamannar Committee delivered its findings; nevertheless, the Tamil Nadu Legislative Assembly voted a resolution three years later urging that the Centre recognise the state's views on state autonomy, and that the Rajamannar Committee's recommendations be accepted by the Centre. The Rajamannar Committee's report prompted other states to express their concern to the Centre's intrusion into matters that had hitherto been within the jurisdiction of the states.



- Prime Minister Indira Gandhi established the Sarkaria Commission to investigate ties between the Centre and the States. The recommendations of the Sarkaria Commission, on the other hand, were not carried out by succeeding central administrations.”

Conclusion

The Indian constitution is a comprehensive document that addresses all areas of the country's government. It was adopted in 1950. A key feature of the constitution is that it stipulates how authorities and duties are divided between the state and federal governments. In this sense, the Seventh Schedule of the Constitution is the most essential component of the document. There are three lists in this document that specify the roles and duties, namely the Union List, the State List, and the Concurrent List. Since their inception, the three lists have undergone changes: the Union list originally contained 97 subjects and has now grown to 100 subjects; the state list originally contained 66 subjects but has now shrunk to 61 subjects; and the concurrent list originally contained 47 subjects but has now grown to 52 subjects on the concurrent list.

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