

## **Specialisation Course-II: Centre-State Relations and Constitutional Governance**

### **Objectives:**

The Indian Constitution adopts federal government for various reasons. Power is divided between the Union and the States in such a way that matters of national importance are entrusted to the Centre and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the working of the Constitution has made the states totally subservient to the Centre. Distribution of fiscal power is the nerve centre of the federal system. In this paper a student will be sensitized to various aspects of federal principles, and their working in the Indian context with a view to ultimately assess the Indian experience critically. He must clearly understand various emerging forces such as regionalism, sub-national loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy.

### **Course Content:**

#### **Unit I**

Federalism – Essentials; Models of Federal Government - U.S.A., Australia, Canada; Difference, Between Federation and confederation; Evolution of federal government in India; formation of new states – alteration of areas, boundaries or names of existing states- factors responsible for subordination of States.

#### **Unit II**

Distribution of Legislative Powers: territorial nexus – Principle of interpretation: Plenary power of the Legislature- Retrospectivity – Harmonious interpretation – Repugnancy between Centre and State Laws - Predominance of union power – Pith and Substance –Colourable legislation- parliamentary legislation in State field –Parliament control over State Legislation (Limitation on State legislative powers under Art. 31 A, B and C, Article 200, Directions regarding Language)

#### **Unit III**

Administrative Relations: Distribution of executive power -Centre's Direction to States –All India Services. Co-operative Federalism: Full faith and credit- Inter-State Council- Zonal Councils- Inter State disputes- Appointment and role of governor – Duty of union to protect

States against external aggression and internal disturbance (Art.355) –failure of Constitutional machinery in States.

#### **Unit IV**

Distribution of Fiscal Power: Scheme of Allocation of taxing power; Extent of Union power of taxation; Residuary power - inclusion of fiscal power; Restrictions of Fiscal Power; Fundamental Rights: Inter-Government tax immunities; Difference between tax and fee - Distribution of Tax Revenues: Tax-Sharing under the Constitution;– Grants in Aid: Fiscal need grants - Specific purpose grants-Finance Commission.

#### **Unit V**

Inter-State Trade and Commerce: Freedom of Inter-State trade and commerce; Restrictions on legislative power of the Union and States with regard to trade and commerce; Planning and Financial Relations: Planning Commission; National Development Council.

#### **Prescribed Books**

1. Jain M. P., *Indian constitutional Law* 6<sup>th</sup> ed. (Nagpur: Lexis Nexis Butterwoths Wadhwa 2010).
2. Basu Durga Das, *Constitutional Law of India*, (Nagpur: Lexis Nexis, Butterworth, 2009).
3. Shukla V. N., *Constitution of India*, 12<sup>th</sup> ed. (Lucknow: Eastern Book Company, 2013)
4. Subba Rao K., *The Indian Federation*, (Pune: University of Pune, 1969).

#### **Reference Books**

1. Seervai H.M., *Constitutional Law of India*, Vol. I, II & III, 4<sup>th</sup> ed. (Mumbai: Universal Law publishing, 2013).
2. V. D. Sebastian, *Indian Federalism: The Legislative Conflicts* (Trivandrum, Academy of Legal Education 1980).
3. Chandrapal, *Centre-State Relations and Cooperative Federalism*, (New Delhi: Deep and Deep 1983).
4. D. T. Lakadwala, *Union-State Financial Relations* (Mumbai: Lalvani Publishing House 1967).
5. Wheare K. C., *Federal Government*, (Pennsylvania: Greenwood Press 1980).
6. K. P. Krishna Shetty, *The Law of Union-State Relations and the Indian Federalism* (Origin: University of Michigan, Sai Naga Publications 1981).
7. Singhvi L.M. (ed.), *Union-State Relations in India*, (New Delhi: The Institute of Constitutional and Parliamentary Studies 1969).