



**Unilateral legislation without taking States into confidence will see more protests on the streets**

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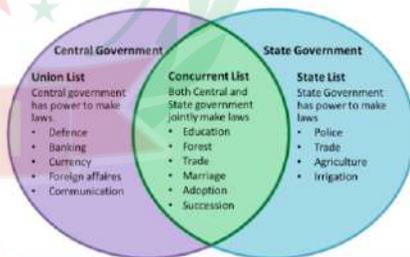
## **CURRENT AFFAIRS** **GS PAPER-II (Section-I)**

### **Background:**

- ✎ The recent trend of Central Government's Unilateralism in the enactment of critical laws raised a serious concern among various State Government's power on subjects enlisted in the concurrent list of 7<sup>th</sup> schedule of the constitution.

### **Recent Incidents:**

- ✎ Kerala Chief Minister Pinarayi Vijayan stated that the federal government violating the essence of federalism by misusing its legislating power unilaterally just to avoid discussions with the states and its concerns on the issues on the concurrent list.
- ✎ The Chief Minister of Tamil Nadu, M.K. Stalin recently raised this issue by asking other Chief Ministers to oppose the usurpation of power by the Union government under the State and Concurrent List.
- ✎ The Legislative Assembly of Kerala unanimously passed a resolution against the Electricity (Amendment) Bill 2020, while the Legislative Assembly of Tamil Nadu passed a resolution against the controversial farm law.



**Relation between Center and States: Legislative**

### **Recent Events of No Consultation:**

- ✎ **Three Farm Bills:** Basically, the law related to Entry 14 (Agricultural Clause) belonging to the National List has been approved by the Parliament, citing Entry 33 (Trade and Commercial Clause) in the same list.



- ✎ **Major Ports Authorities Act. 2021:** Goa government sated central act violates local laws, including Goa Town and Country Planning Act, Goa Municipality Act and Goa Panchayath Raj Act.
- ✎ **Electricity Amendment Act:** Several states including West Bengal, Tamil Nadu and Kerala also publicly opposed the 2020 Electricity (Amendment) Act.
- ✎ **Creating NERC By Central Govt:** As Electricity is related to item 38 of the concurrent list. The power to oversee this department belongs to the State Electricity Regulatory Commission (SERC), Central Govt planning to completely change the system by establishing a National Selection Committee headed by members nominated by the Union Government, who will appoint SERC members.

### Causes for concern:

- ✎ **Ignoring the Constitutional Balance:** India adopted the model of 1935 Act, and this is the vision of constitutional drafters to grant parallel powers to the federal and state legislatures on the subjects comes under Concurrent list.
- ✎ **The logic behind the Concurrent List:** The subjects enlisted in the Concurrent List are the common interests of the Union and the states, and the power to legislate on these issues is shared with the Union to achieve uniform laws throughout the country.

### Various suggestions in this regard:

- ✎ **Sarkaria Commission Report:** This commission report stated that, “There should be a coordination in policies and the issues of overlapping of laws between these lists must be resolved through mutual consultation and cooperation”.
- ✎ The Union Government should also know its limit before making any laws or exercising its power on concurrent list for the purpose of ensuring uniformity in basic issues of national policy.
- ✎ **Venkatachaliah Committee:** Highlighted Individual and collective consultations with the states will be carried out



through the Inter-state Council established under Article 263 of the Constitution.

- ✎ **SR Bommai v. Union of India Case:** In this case the Supreme Court ruled, “The states are not simply an appendage of the Union Government, the federal government must ensure that the powers of the states are not trampled on.”

### Conclusion: -

- ✎ The intention of the framers of the constitution is to ensure that public welfare is protected. The key is to listen and taking account of the concerns of its stakeholders. The essence of cooperative federalism lies in negotiation and dialogue and unilateral legislation without the trust of the states will trigger more protests on the streets.

- Q. **In the recent times, it is noticed there is a declining dialogue between Centre and State over the Concurrent List. Explain how it hampers the federal structure in this regard?**

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