



Mains Practice Question

Q. Explore the constitutional distribution of powers between the Union and States in India and assess mechanisms for resolving disputes in this context. (150 Words)

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Approach

- Write a brief introduction about the separation of power between the Union and the States.
- Highlight the mechanisms utilized for resolving conflicts between the center and states.
- Write a conclusion.

Introduction

India's political system stands on the pillars of a federal structure with a well-defined distribution of powers between the central and state governments. This framework enables effective governance nationwide, respecting each state's autonomy within the diverse landscape.

Body

- **Distribution of powers between the Union and States:**
 - The **distribution of powers** between the **Union** and **States** in India is delineated by **Article 246** of the Constitution which divides the subjects of legislation into three lists:
 - **List I - Union List:** This list contains subjects on which only the Parliament (Union) can legislate. It includes matters of national importance such as defense, foreign affairs, atomic energy, and communications.
 - **List II - State List:** This list includes subjects on which only the State Legislatures can legislate. It covers areas of local or regional significance such as police, public health, agriculture, and land.
 - **List III - Concurrent List:** This list includes subjects on which both the Union and the States can legislate.
 - This constitutional framework ensures a **clear delineation of authority and responsibilities** between the central and state governments.
- **Mechanisms for Dispute Resolution:**
 - **Inter-Governmental Bodies:** The **Inter-State Council (Art 263)** and the **National Development Council** provide platforms for Union and State representatives to discuss and resolve disputes.
 - **Judicial Intervention:**
 - **Article 131** provides the **Supreme Court** with **original jurisdiction** over disputes between the **Union** and **States** or among States. In the **Mohit Minerals vs Union of India (2022) case**, the Court resolved a dispute on the binding powers of the **GST Council**.
 - **Governor's Role:** The governor is acting as a bridge between the union and state, the governor facilitates communication and coordination, harmonizing federal relations.
 - **Financial Mechanisms:** It is responsible for making recommendations to the president regarding the distribution of net proceeds of taxes between the union and the states.
 - **Intergovernmental Committees:** These committees can facilitate dialogue, negotiation,

and consensus-building.

- For example, the **GST Council** provides a platform for the Centre and the States to discuss and resolve any issues or disputes arising from the implementation of the GST.

Conclusion

India's constitutional power distribution is robust, but effective dispute resolution is crucial for harmonious federal relations. Utilizing inter-governmental bodies, judicial intervention, the governor's role, financial mechanisms, and committees can contribute to resolving disputes, ensuring cooperative federalism and system stability.

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