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CENTRE-STATE RELATIONS ON LAW AND ORDER

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Article 1 of the Indian Constitution reads: "*India, that is Bharat, shall be a Union of States.*"

Our Constitution outlines a distinctive model of federalism that seeks to harmonise the autonomy of the States with the compelling need for a strong and cohesive Union. This framework, while embracing federal principles, retains a pronounced unitary character to ensure national integrity and effective governance. In this system, the governments at the Centre and State levels do not work in rigid silos and are bound to interact with each other. This makes the Centre-State relationship in India a matter of enduring significance.¹

India's constitutional framework, though federal in form, bears the deep imprint of a centripetal force from its painful political history. As Dr B.R. Ambedkar pointed out in the Constituent Assembly, the Indian Constitution is "*federal in structure but unitary in spirit*"; a well-poised system intended to balance states' centrifugal tendencies with the imperative for national cohesion.² Therefore, the term "*Union*" used by the drafting committee was a symbol of its determination to maintain the unity of the country.³ Above all, both governments derive their power from the constitution.⁴

The Constituent Assembly Debates are a rich repository of the framers' intentions and anxieties. Partition trauma, communal tensions and integration of the princely states were concerns that dominated the majority view in favour of a strong Centre.⁵ In its Second Report dated

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1. H.A. Gani, *Centre-State Relations in India: A Review Article*, 47 India Q. 97 (1991).
2. A.G. Noorani, *Centre-State Relations in India*, 8 *Verfassung u. Recht in Übersee* 319 (1975), <http://www.jstor.org/stable/43108472>.
3. *Hinsa Virodhan Sangh v. Mirzapur Moti Kuresh Jamat*, A.I.R. 2008 S.C. 1892.
4. DURGA DAS BASU, *COMPARATIVE FEDERALISM*, 5–6 (Wadhwa 2008).
5. Constituent Assembly of India, *Constituent Assembly Debates*, vol. IV (14 July–31 July 1947), <https://www.constitutionofindia.net/constitution-assembly-debates/volume-4/>, https://eparlib.nic.in/bitstream/123456789/762957/1/cad_14-07-1947.pdf.

5 July 1947, the Union Powers Committee unequivocally rejected the limitations on central authority envisioned under the Cabinet Mission Plan. The committee, in a unanimous declaration, stated:

*"We are now unanimously of the view that establishing a weak central authority would be detrimental to the nation's interests—such an authority would be ill-equipped to maintain peace, coordinate matters of vital national importance, or represent the country effectively on the international stage."*⁶

This objective found expression in the Constitution that consciously departed from the classical model of federalism. Unlike the United States, where the federation was formed through a compact among sovereign states, India's federal structure emerged from the disintegration of a unitary colonial administration.⁷

A key feature of this centralising tendency was the assignment of residuary powers to the Union under Article 248 of the Constitution. This provision enables Parliament to legislate on matters not enumerated in either the State List (List II) or the Concurrent List (List III), in Schedule VII of the Constitution. This stands in contrast to classical federal systems, where residuary powers are typically assigned to the states.

Further strengthening the Centre's hand, Article 155 empowers the President, acting on the advice of the Union Council of Ministers, to appoint Governors. This gives the Union significant influence in the affairs of the states. During extraordinary situations, such as war, external aggression or financial instability, the Constitution provides for the suspension of federal norms through emergency provisions, specifically Articles 352 (National Emergency), 356 (President's Rule) and 360 (Financial Emergency).

The architecture of the Indian Constitution was a conscious and deliberate response to the political upheavals of its time and the paramount need to preserve national unity. It was designed to ensure cohesion, integrity and effective governance in a newly independent nation. Though the Constitution is a living document, continually evolving through interpretation and amendment, the imprint of these formative

6. Second Report of the Union Powers Committee, Constituent Assembly of India (July 5, 1947), <https://www.constitutionofindia.net/committee-report/second-report-of-the-union-powers-committee/>.

7. GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION* (Oxford University Press 1966).

post-independence realities continues to shape its operation and spirit to this day. The reason can be found in Dr B.R. Ambedkar's words on the Constituent Assembly:

*"The basic principle of federalism is that the legislative and executive authority is partitioned between the Centre and the States, not by any law to be made by the Centre but by the Constitution itself. This is what the Constitution does. The States under our Constitution are in no way dependent upon the Centre for their legislative or executive authority. The Centre and the States are co-equal in this matter."*⁸

But this setup of administration was not newly carved out by the Constitution-makers. Rather, this scheme of administration is reflected during the times of the Mauryan, Mughal and British administrations.⁹

Fiscal federalism in India also tilts in favour of the Centre. Article 280 mandates the establishment of a Finance Commission to recommend the distribution of tax revenues between the Union and the States.¹⁰

A notable instance was the demand for greater autonomy by Tamil Nadu in the 1970s, which spotlighted concerns about fiscal and administrative centralisation. The Administrative Reforms Commission, in its seminal 1969 report, acknowledged these tensions but concluded that the existing constitutional provisions were, by and large, adequate to address emerging challenges.¹¹ The Commission emphasised that the successful functioning of Indian federalism did not necessarily require a constitutional overhaul but rather a cultivated spirit of cooperative coordination between the Union and the States.

Yet, constitutional scholars have raised concerns over certain institutional mechanisms being used to extend central influence. A.G. Noorani, for example, has consistently argued that the role of the Governor, especially in politically sensitive states, has often been perceived as partisan or as an instrument of Union control, thereby undermining the federal compact.¹²

8. CHANDRACHUR GHOSE, *FROM CONCEPT TO REALITY: THE BIRTH OF THE CONSTITUTION OF INDIA* (Penguin India) (2023).

9. Aniruddha Babar, *Dr B.R. Ambedkar's Contribution to Federalism Enshrined in the Constitution of India*, 7 *Fazl Ali C. J.* 43 (2018), available at SSRN, <https://ssrn.com/abstract=3609240>.

10. T. M. JOSEPH, *INDIAN POLITY AND GOVERNANCE* (Tata McGraw-Hill Educ. 2012).

11. Administrative Reforms Comm'n, *Report of the Study Team on Centre-State Relationships*, (1969).

12. A. G. NOORANI, *CONSTITUTIONAL QUESTIONS IN INDIA: THE PRESIDENT, PARLIAMENT AND THE STATES* 85–92 (Oxford Univ. Press 2000).

In such a scenario, the duties fall upon the Members of Parliament, along with other constitutional authorities, to uphold the federal balance envisioned by the framers. This includes ensuring that constitutionally conferred positions, such as that of the Governor, are exercised in a manner that promotes mutual respect, institutional integrity, and the cooperative spirit essential to sustaining the unity of the Republic.

Abrogation of Article 370 and recalibration of Centre-State relations

The abrogation of Article 370¹³ and the subsequent bifurcation of Jammu and Kashmir into two Union Territories in August 2019 marked a significant reconfiguration of Centre-State relations within India's federal structure.¹⁴ This was subsequently upheld by the Hon'ble Supreme Court in *In Re: Article 370 of the Constitution*,¹⁵ sparking extensive debate on the contours and limits of Indian federalism. However, from a constitutional standpoint, the Central Government's action must be understood within the broader framework of India's quasi-federal system, one in which the Union retains primacy while still providing space for regional diversities. This asymmetrical but integrative design is a defining feature of the Indian constitutional order.

India's federal structure is not marked by rigid compartmentalisation, but by a flexible constitutional framework that allows the Union to intervene under specific circumstances, particularly during emergencies, such as the breakdown of constitutional machinery under Article 356. In the case of Jammu & Kashmir, this provision was invoked following the dissolution of the State's Legislative Assembly in 2018 and the subsequent imposition of President's Rule.

In *S.R. Bommai v. Union of India*,¹⁶ the Supreme Court had recognised federalism as a component of the Constitution's basic structure. But, the Court also affirmed that during the operation of President's Rule, Parliament is constitutionally empowered to perform the functions of

13. Report of the Ministry of Home Affairs, Statutory Resolution on Article 370 and Reorganisation of Jammu & Kashmir, Parliamentary Debates (Rajya Sabha), Aug. 5–6, 2019.

14. Press Information Bureau, Government of India, *Government Brings Resolution to Repeal Article 370 of the Constitution*, Ministry of Home Affairs (Aug. 5, 2019), https://www.mha.gov.in/sites/default/files/PressReleaseJ%26KDecisions_06082019.pdf.

15. *In Re: Article 370 of the Constitution*, (2023) 10 SCC 1 (India).

16. *S.R. Bommai v. Union of India*, (1994) 3 SCC 1 (India).

the State Legislature. Accordingly, the use of Article 356 to facilitate the recommendation under Article 370(3), which ultimately led to the abrogation of Jammu & Kashmir's special status, was held to be constitutionally valid, particularly in the absence of an elected legislative body in the State at the time.

The abrogation of Article 370 and the subsequent reorganisation of Jammu & Kashmir must be understood through the lens of pragmatic federalism, a constitutional model that balances regional autonomy with the imperative of national integration. Far from being an aberration, the Centre's action was grounded in the constitutional framework. Rather than weakening federalism, this episode illustrates the Constitution's inherent resilience and adaptability. It reaffirms that Indian federalism is not a rigid division of powers but a dynamic and flexible arrangement, a synthesis of unity and diversity, designed to accommodate the evolving political and constitutional realities of a complex and plural nation.

Administrative relations

Articles 256 to 263 of the Indian Constitution, forming part of the administrative relations between the Centre and the States, are intended to promote coordination within the federal framework. Article 256 obligates States to comply with Union laws and permits the Centre to issue directions to ensure such compliance. While this facilitates uniformity in governance, it has often been critiqued for undermining the autonomy of States by allowing the Union to direct their executive actions, especially in politically sensitive matters. Article 257 further empowers the Centre to issue directions to States concerning matters of national interest, such as infrastructure protection. Though seemingly narrow, this provision has a broad scope and may be used to justify intervention in State affairs under the guise of national security or interest.

The coercive potential of these provisions becomes more evident in Article 365, which deems a State's failure to comply with Union directions as a ground for concluding that constitutional machinery has failed, thereby triggering Article 356 and the imposition of President's Rule. Though the Supreme Court in *S.R. Bommai*(Supra) restricted the arbitrary use of Article 356 and subjected it to judicial review, the underlying threat posed by Article 365 remains. In addition, Article 355 imposes a duty on the Union to protect States from external aggression and internal disturbance and to ensure that State governments function according to the Constitution.

While these provisions were designed in the backdrop of a newly independent and fragile India, their continued use in the present day has often been criticised for encouraging a culture of central dominance, especially a few decades ago. Although judicial pronouncements, including *Rameshwar Prasad v. Union of India*,¹⁷ have reaffirmed the principle that federalism is part of the basic structure, the structural imbalance remains largely uncorrected.

When powers such as Article 356 fall into the hands of governments prone to misuse or political opportunism, the consequences become deeply disconcerting. Dr B.R. Ambedkar, while acknowledging this provision during the Constituent Assembly debates, lamented that he hoped “*such articles will never be called into operation and that they would remain a dead letter.*” His fear emphasised that if invoked, it should be only after a formal warning and fresh elections had been attempted.¹⁸

Yet, history tells us a different story, from 1971 to 1990 alone, Article 356 was invoked approximately 63 times, an average of over three declarations per year, often to dismiss State governments led by political adversaries of the Centre. These figures starkly contradict Ambedkar’s vision of Article 356 as a symbolic fail-safe; in practice, it became a tool for central dominance rather than last-resort governance. Notably, misuse peaked before the judiciary reined it in. Following the landmark *S.R. Bommai* Judgement, the enactment of President’s Rule declined considerably, dropping from over 90 instances before 1990 to fewer than 30 between 1991 and 2010 and further tapering to just five instances from 2011 to 2016.

This underscores how the dynamics between the Centre and the States are deeply influenced by political stability and underlying political motives. Also to note here, one of the recommendations of the Sarkaria Commission, which suggested that the ‘Centre must not declare an area as a “disturbed area” without the consent of the State’. This suggestion could have been adopted and would have led to fostering a mutual relationship over a matter of law and order when “public order” is concerned, but only in a situation where both the government at the Centre and the State are the same or in a coalition. But in the scheme of the Indian democratic setup, it allows for the existence of parties with opposite ideologies and models of governance.

17. *Rameshwar Prasad & Ors. v. Union of India*, (2006) 2 SCC 1 (India).

18. T. K. TOPE, *Dr Ambedkar and Article 356 of the Constitution*, (1993) 4 SCC (JOUR.) 1 (India), available at <https://www.cbc-india.com/lawyer/articles/93v4a1.htm>.

Role of Central Agencies in Law and Order

India's federal structure places law and order primarily within the domain of the States under the State List (Entry 1: "Public Order" and Entry 2: "Police") of the VII Schedule of the Constitution. However, due to the increasing complexity and interstate or transnational nature of crime, various Central agencies have emerged as key actors in maintaining internal security, enforcing law and assisting States when needed. These agencies derive their authority from the Union List and operate either with the consent of the States or under specific statutory mandates.

A reading of Article 248¹⁹ with Entry 97 of the Union List iterates that Parliament may enact any law not enumerated elsewhere. This serves as the constitutional foothold for agencies such as the Central Bureau of Investigation ("CBI"). Apart from the Union List, these central agencies derive their powers from dedicated enabling acts such as the Prevention of Money Laundering Act of 2002 or the National Investigation Agency Act of 2008 ("NIA")²⁰ and may either cooperate with the state law enforcement or work independently of them.

The relationship between the CBI and the State police is a supplementary and complementary one. The two authorities often require mutual assistance and coordination. For instance, Section 3²¹ of the Delhi Special Police Establishment Act, 1946 defines the CBI's investigative purview and states that the central government has the authority to determine the crimes that the CBI can investigate. Using this, the central government can expand its scope to deal with crimes within the State. However, due to the limited resources of the CBI and the complexity of cases, it is now a matter of discretion as to whether a particular case will be dealt with by the CBI or the State authorities. To interfere and probe into the states, consent under Section 6 of the DPSE²² is a condition precedent to be satisfied before calling upon the CBI. When the general consent is withdrawn, the CBI needs to acquire case-wise consent from the concerned State government. The reason is simple: the State Police itself is a statutory authority. In the case of denial of the specific consent,

19. INDIA CONST. art. 248. Residuary powers of legislation (1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List. (2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.

20. National Investigation Agency Act, No. 34 of 2008 (India).

21. Delhi Special Police Establishment Act, No. 25 of 1946, § 3 (India).

22. *Id.* § 6.

the CBI officials will not have the power of police personnel when they enter that state.

However, the Court has clarified that the situation is not similar when it directs the investigation.²³ It also held that, at the first instance, the Director General of Police should appoint a competent supervisory officer from the higher ranks of the State police to supervise the investigation of a case, rather than transferring the investigation to the Central Agency.²⁴ This was to ensure that the state investigative agencies have autonomy while striking a balance for the requirement of an independent agency to carry out the probe.

The Court also observed that the superintendence of the CBI lies with the Central government, except for corruption cases under the Central Vigilance Commission. However, this Judgement validates an expanded reach of Union authority at the expense of State autonomy, thereby tipping the balance in favour of the Centre and undermining the very federalism that the framers sought to protect. Allowing the CBI to operate without consent could weaken this balance of power.

Recent incident of Governor's inaction as a tool of Central influence over States

The Supreme Court's recent Judgement on the conduct of Tamil Nadu Governor R.N. Ravi²⁵ is set to have far-reaching ramifications on Centre-State relations. The case concerns Mr Ravi's protracted inaction on several bills passed by the State legislature, including important laws about public welfare and higher education. The Court's intervention came at a juncture when the relationship between Governors and State governments was beginning to get strained. It clarified the Governor's power under Article 200²⁶ of the Constitution and called the withholding of the ten (10) bills "illegal" and "erroneous". The Court also clarified the Governor's dual nature²⁷ to the Union and the State and delineated its multifaceted role when firstly, the Governor is the constitutional head of the State, has a right to be consulted, to warn and encourage and secondly when,

23. *State of West Bengal & Ors. v. Committee for Protection of Democratic Rights & Ors.*, (2010) 3 SCC 571 (India).

24. *State of West Bengal v. Sampat Lal*, [1985] 2 SCR 256, 269. (India).

25. *The State of Tamil Nadu v. The Governor of Tamil Nadu & Anr*, 2025 INSC 481 (India).

26. INDIA CONST. art. 200.

27. *Rameshwar Prasad & Ors. v. Union of India*, (2006) 2 SCC 1 (India).

the Governor functions as a sentinel of the Constitution and acts as the Union's representative in the State. The Court explained that the Governor exercises all his powers and functions on the aid and advice of his Council of Ministers.²⁸

The unwritten constitutional convention that supports cooperative federalism is broken when governors refuse to sign legislation or hold off on doing so indefinitely. This shifts the balance of power in favour of the Union by replacing ministerial advice with political discretion. Utilising its discretionary powers under Article 142²⁹, the Court affirmed that the bills that were pending assent and reserved for the President were deemed to be assented to. More strikingly, the Court established timelines for the Governor and President to convey their decisions on the bills presented before them. It broadened the scope of judicial review by permitting State governments to opt for a writ of mandamus, should these deadlines be ignored.³⁰

Justice Pardiwala in *the State of Tamil Nadu v. The Governor of Tamil Nadu & Anr.*³¹ laid down three options before the Governor under Article 200 while observing that when a Governor is considering the bill after the State legislature has passed it, he may grant assent, withhold assent or reserve it for the President's assent. If the consent is withheld, the bill must go back to the legislature for reconsideration, while it is not incumbent on the State legislature to accept the Governor's suggestion. When the bill is returned in the second round, the Governor has to grant assent. Should the Governor conclude that a bill infringes upon the jurisdiction of the High Courts, he may, under the second proviso of Article 200, reserve it for the President's consideration.³² The President may then either assent to or withhold assent from the bill in accordance with Article 201³³.

A "possible scenario" in which a legislature's re-examined bill might once more be reserved for the President was also described in the ruling. This occurs when the legislature returns the bill and then makes completely new amendments that have nothing to do with the Governor's suggestions. In these situations, the modifications must be based on "wholly different and new grounds." On the other hand, the Governor may not save the

28. *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831 (India).

29. INDIA CONST. art. 142.

30. *State of Rajasthan v. Union of India*, (1977) 3 SCC 592 (India).

31. *The State of Tamil Nadu v. The Governor of Tamil Nadu & Anr.*, 2025 INSC 481.

32. *M.P. Special Police Establishment v. State of M.P.*, (1974) 4 SCC 197 (India).

33. INDIA CONST. art. 201.

bill for the President if the legislature's changes only replicate his initial recommendations.

To emphasise that the first proviso of Article 200 *"cannot be interpreted as granting the State legislature unlimited freedom to introduce alterations that fundamentally change the bill's character"* upon reconsideration, the Court cited this example.³⁴

This Judgement clarifies the relationship between the Centre and the State. Firstly, it reiterates that the Governor must respect the primacy of elected State governments and their legislative will and that the Centre's representative in the State cannot serve as a backdoor conduit for Union interests. The Court has rebalanced a relationship that had previously leaned towards central oversight by judicially restricting gubernatorial discretion, particularly in cases where the Governor's office was utilised to stall legislation based on party interests or policy considerations.³⁵

Second, the ruling emphasises that cooperative federalism is a constitutional requirement that courts can uphold. The judiciary now provides the fallback that Ambedkar hoped would *"remain a dead letter"* except in genuine emergencies, while Articles 256–263 and 200 contemplate coordination and vice-regal assent, respectively.³⁶ The decision effectively strengthens the trust between the federal government and the states by converting the Governor from a partisan sentinel to a constitutionally bound official.

Conclusion

In conclusion, India's model of Center-State relations in the area of law and order is a practical example of federalism that aims to balance the needs of national unity with the autonomy of its States. From Article 248 of the Constitution,³⁷ which grants the Union residuary powers, to the Governor's Office as a tool of Union influence, the framers intentionally created a system that was unitary in spirit but federal in form. Dr. B.R. Ambedkar's caution that emergency clauses like Article 356 should be kept as *"dead letters"*³⁸ turned out to be accurate; in reality, these powers

34. *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831 (India).

35. *AG Perarivalan v. State, Through Superintendent of Police CBI/SIT/MMDA, Chennai, Tamil Nadu and Anr.*, (2023) 8 SCC 257 (India).

36. *Minerva Mills v. Union of India*, (1980) 3 SCC 625 (India).

37. INDIA CONST. art. 248.

38. Constituent Assembly of India, *Constituent Assembly Debates*, vol. XI, (25 November 1948). (Dr B.R. Ambedkar).

were used more than sixty times between 1971 and 1990, frequently at the expense of State autonomy.³⁹ However, the Constitution's ability to self-correct is highlighted by the post-*Bommai* judicial safeguards and the consistent decrease in instances of President's Rule.

The 2019 restructuring of Jammu and Kashmir and the repeal of Article 370 serve as an additional example of how adaptable India's quasi-federal system in spirit is. The Union Government acted within its constitutional mandate by legitimately utilising President's Rule under Article 356 and the proviso to Article 370(3).⁴⁰ Federal prerogatives and national integrity are not mutually exclusive, as the Supreme Court affirmed in *In Re: Article 370 of the Constitution*.⁴¹ These incidents show how India's constitutional order can change to meet changing political needs without discarding its basic structure or losing its essential framework.

Administrative provisions in Articles 256–263 entrust the Union with a duty of coordination and, where necessary, direction. Although some argue that these provisions give the Union excessive power, subsequent decisions, most notably in the Tamil Nadu Governor case, have limited the Governor's discretion under Articles 200 and 142. The Supreme Court has reaffirmed the importance of elected governments and the cooperative federalism spirit by requiring assent to State legislation and enabling judicial review.⁴²

Both the Union and the States must foster a spirit of cooperation rather than partisanship as India continues to face transnational crime, internal unrest and changing security issues. Statutes and the Union List⁴³ give central agencies like the CBI legitimacy, but in order to maintain the balance that the framers intended, they must cooperate with State authorities. Adherence to constitutional conventions, the federal compact and vigilant judicial oversight will continue to be essential. In the end, Indian federalism's resilience comes from its ability to adapt dynamically rather than from strict compartmentalisation. India's Constitution continues to steer a plural polity through the intricate interplay of regional ambitions and national imperatives by preserving the dual pillars of autonomy and unity.

39. S.R. Bommai v. Union of India, (1994) 3 SCC 1 (India).

40. INDIA CONST. art. 370 (3).

41. *In Re: Article 370 of the Constitution*, (2020) 10 SCC 1 (India).

42. S.R. Bommai v. Union of India, (1994) 3 SCC 1 (India).

43. INDIA CONST. art. 246(1); Seventh Sch., List I.