

## How the Seventh Schedule affects delivery of Public goods

### What is the issue?

For the sake of better governance the process of redistribution of entries in the union, state and concurrent list should be not ducked.

### What is 7th Schedule of Indian Constitution?

- Seventh Schedule in the Indian constitution is inherited from Government of India Act, 1935.
- The Seventh Schedule specifies the distribution of powers and responsibilities between the centre and the states .
- Article 246 specifies the role and responsibilities in 3 lists namely, Union List, State List and Concurrent List.
- As of now
  - The Union list has - 100 subjects
  - The State list has - 61 subjects
  - The Concurrent list has - 52 subjects.
- The union government enjoys exclusive jurisdiction over Residual Subjects.

### How maintaining law and order is distributed?

- Public good is a service that is provided without profit to all members of a society by the government.
- Law and order is a public good.
- **Union List** - The union list makes no mention of “order”.
- It only deploys armed force or any other force subject to the control of the Union in any State in aid of the civil power.
- In case of more intense internal security the central forces are specialised to deal with such conflicts.
- **State list** - The state list mentions “public order” and “police (including railway and village police)”.
- State police forces are primarily in charge of local issues such as crime prevention and investigation, and maintaining law and order.

### Why there is a need to examine the entries of Lists?

- Every public good is optimally delivered at a certain level of government.

- Delivery becomes sub-optimal both above that level and below that level.
- Countervailing pressure by citizens increasingly demands efficient delivery of such public goods.
- Most public goods people expect are efficiently delivered at the local government level, not Union or state level.
- Hence there is a view to insert a local body list in the Seventh Schedule.
- But without delegation of funds, now the functions and functionaries, are left to the whims of state governments and the local governments are unable to respond.

### **What are the criticisms behind changes made so far?**

- It is not necessary that Seventh Schedule must be identical to the one in 1950, simply because the Government of India Act of 1935 gave us those principles.
- Till now movements made have reflected greater centralisation, such as in 1976.
- Scrutiny on the basis of first principles need not always lead to greater centralisation.
- Perfunctory implementation may be the reason why states frequently ask for Central police forces to enforce law and order.
- The 1983 Sarkaria Commission and the 2002 National Commission to Review the Working of the Constitution ducked the issue of redistribution of the entries in the list.
- The basic structure doctrine doesn't stand in the way of redistribution. The process should not be ducked for the sake of better governance.

### **What recommendations are made in favour of reforms?**

- In the Constituent Assembly debates (in 1949) B Das (former chief minister of Odisha) and others members have proposed amendments for redistribution of the entries in the list.
- In 1971 the Rajamannar Committee — formally known as Centre-State Relations Inquiry Committee was set up by Tamil Nadu.
- It proposed to constitute a High Power Commission, consisting of eminent lawyers and jurists and elderly statesmen
- The committee was required to examine the entries of Lists I and III in the Seventh Schedule and suggest redistribution of the entries.
- A couple of years ago, on the basis of first principles, the Vidhi Centre for Legal Policy brought out a report on cleaning up the Seventh Schedule.
- Often N K Singh, Chairman of 15th Finance Commission has often made

this point.

## Reference

1. <https://indianexpress.com/article/opinion/columns/seventh-schedule-constitution-public-goods-7720242/>

