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 is 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/

