



Mains Marathon

Day 43: “Recently there was increasing talk over reforms in the 7th schedule of the Indian constitution. In this context discuss the significance of the 7th schedule in the Indian Constitution. (150 Words)

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Approach / Explaination / Answer

- Start your answer by giving a brief about the 7th schedule.
- Discuss the need for reforms in the 7th schedule.
- Discuss the significance of the 7th schedule.
- Conclude suitably.

Answer:

- **Article 246 of the Constitution mentions three lists in the Seventh Schedule — union, state and concurrent lists.** While the Centre can make laws on subjects specified in the Union list, the state governments have jurisdiction over items in the state list.
- Both the Centre and states can make laws for subjects in the concurrent list, but the Union's law will prevail in case of conflict.

Significance of the 7th schedule of the Indian constitution

- **Clear Responsibilities:** The division of subjects into the state list, central list, and concurrent list makes the constituent units of the federation conscious of their respective roles.
- **Harmony:** The clear separation of powers between the center and states in the 7th schedule prevents the union from changing the fundamentals of the constitution, thus, it helps in maintaining peace and harmony between the center and states.
- **Division of Powers:** The 7th schedule provides a clear division of powers between the center and states which prevents conflict between center and states.
- **Unity and Integrity of India:** After partition, national integration was of utmost importance, and only a strong central government could protect the nation against external threats.
- **Autonomy to states:** The devolution of legislative powers to states makes the state independent of a union in their respective sphere.

Need for Reforms in the 7th Schedule:

- **Redundant and old:** It is alleged that it has become redundant with time. The present Seventh Schedule and union (at that time Federal) list, state (at that time Provincial) list and concurrent lists are inherited from that 1935 piece of legislation.

- **Delivery of Public goods:** Most public goods people think of are efficiently delivered at the local government level, not the Union or state level. There is a Seventh Schedule issue that is thus linked to the insertion of a local body list. Countervailing pressure by citizens increasingly demands efficient delivery of such public goods. But without delegation of funds, functions and functionaries, presently left to the whims of state governments, local governments are unable to respond.
- **Increasing Centralization:** Items have moved from the state list to the concurrent list and from the concurrent list to the union list. Hitherto, such limited movements have reflected greater centralisation, such as in 1976.
- **Empowering Local Bodies:** There should be a fourth list for local bodies along with the central, state and concurrent lists. It will lead to the devolution of powers to local bodies and will help them in dealing with diverse matters of local importance.
- **Deletion of the concurrent list:** The concurrent list creates a lot of confusion between centre and state and creates a situation of dispute over the framing of legislation. Its removal from the constitution will reduce the friction points between the centre and states.

The 7th Schedule is the basis of the Indian federation, any change or reform in the 7th schedule should be undertaken by taking states on board and developing a proper consensus between the center and states.

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