



Centre Vs Union

Prelims: Eight Schedules, Indian Constitution, Federalism, President, Centralization and Decentralization of power.

Mains: Centre Vs Union, its constitutionality and issues with the term Central Government.

Why in News?

Since the Tamil Nadu government shunned the usage of the term **'Central government' in its official communications by replacing it with 'Union government'**, it has erupted the [Union Vs Centre Debate](#).

- It has been seen as a major step towards regaining the consciousness of Indian Constitution.

What is the Constitutionality of the Term Union/Centre?

- There is no mention of the term 'Central government' in the Constitution of India because the Constituent Assembly did not use the **term 'Centre' or 'Central government'** in all of its **395 Articles in 22 Parts and eight Schedules in the original Constitution**.
- There are only references of the **'Union' and the 'States'** with the executive powers of the Union wielded by the President acting on the aid and advice of the [Council of Ministers](#) headed by the Prime Minister.
- Even though there is no reference to the **'Central government' in the Constitution**, the **General Clauses Act, 1897 gives a definition for it**.
 - The 'Central government' for all practical purposes is the [President](#) after the commencement of the Constitution.

What is the Intent of the Constituent Assembly?

- Article 1(1) of the Constitution of India says **"India, that is Bharat, shall be a Union of States."**
- On 13th December, 1946, [Jawaharlal Nehru](#) introduced the aims and objectives of the Constituent Assembly by resolving that India shall be a Union of territories willing to join the **"Independent Sovereign Republic"**.
 - The emphasis was on the consolidation and confluence of various provinces and territories to form a strong united country.
- While submitting the draft Constitution in 1948, [Dr B R Ambedkar](#), chairman of the drafting committee, had said that **the committee had used the word 'Union' because**:
 - (a) the Indian federation was **not the result of an agreement by the units**, and
 - (b) the component units **had no freedom to secede from the federation**.
- The members of the Constituent Assembly were **very cautious of not using the word 'Centre' or 'Central government'** in the Constitution as they intended to keep away the **tendency of centralizing of powers in one unit**.

What is the Difference Between Union & Centre?

- According to constitution expert Subash Kashyap, from the point of the usage of the words, **'center' indicates a point in the middle of a circle, whereas 'Union' is the whole circle.**
 - In India, the relationship between the so-called 'Centre' and States, as per the Constitution, **is actually a relationship between the whole and its parts.**
- Both **the Union and the States are created by the Constitution**, both derive their respective authority from the Constitution.
 - The one is not subordinate to the other in its own field and the authority of one is to coordinate with that of the other.
- The **judiciary is designed in the Constitution to ensure that the [Supreme Court](#)**, the tallest court in the country, has no superintendence over the High Court.
 - Though the Supreme Court has appellate jurisdiction, not only over High Courts but also over other courts and tribunals, they are not declared to be subordinate to it.
 - In fact, the High Courts have wider powers to issue prerogative **writs** despite having the power of superintendence over the district and subordinate courts.
- In very common parlance, Union gives a sense of Federal while centre gives more of a sense of unitary government.
 - But practically both are the same in the Indian political system.

What are the Associated Issues with the Term Central Government?

- **Discarded By Constituent Assembly:** The word 'Centre' is not used in the Constitution; the makers of the Constitution specifically discarded it and instead used the word 'Union'.
- **Colonial Legacy:** 'Centre' is a hangover from the colonial period because the bureaucracy in the Secretariat, New Delhi who are used to using the word 'Central Laws,' 'Central legislature,' etc, and so everyone else, including the media, started using the word.
- **Conflict With Idea of Federalism:** India is a **[federal government](#)**. The power to govern is divided between a government for the whole country, which is responsible for subjects of common national interest, and the states, which look after the detailed day-to-day governing of the state.
 - According to Subash Kashyap, using the term 'Centre' or 'central government' would mean state governments are subservient to it.

Way Forward

- The **federal nature of the Constitution is its basic feature and cannot be altered**, thus, the stakeholders wielding power intend to protect the federal feature of our Constitution.
- A diverse and **large country like India requires a proper balance between the pillars of federalism**, i.e., autonomy of states, national integration, centralisation, decentralisation, nationalisation, and regionalisation.
 - Extreme political centralisation or chaotic political decentralisation can both lead to the weakening of Indian federalism.
- The satisfactory and lasting solution of the vexed problem is to **be found not in the statute-book but in the conscience of men in power.**

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. Which one of the following is not a feature of Indian federalism? (2017)

- (a) There is an independent judiciary in India.
- (b) Powers have been clearly divided between the Centre and the States.
- (c) The federating units have been given unequal representation in the Rajya Sabha.
- (d) It is the result of an agreement among the federating units.

Ans: (d)

Mains

Q. Though the federal principle is dominant in our constitution and that principle is one of its basic features, but it is equally true that federalism under the Indian Constitution leans in favour of a strong Center, a feature that militates against the concept of strong federalism. Discuss. **(2014)**

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