

While introducing laws, Union govt needs to have the consent of the state govt. to uphold the spirit of federalism. Analyse [200 words].

Federalism is a system of government in which power is divided between centre and state.

The central government has to look after subject of national interest whereas state government has to look day-to-day administrative work. Principle of federalism is defined in Article 1 (Union of states), Article 3 (allow federation to grow, evolve & response to regional aspiration) and Art. 246 (enumerates federal character of Indian constitution).

### Area of friction in federalism

1. Fiscal federation - provides autonomy of the states to raise revenue & undertake expenditure.

Issues are →

- Higher share of cess and surcharge by Centre
- GST compensation, 2016
- Electricity Bill (Amendment), 2021
- borrowing power of state (not exceeds 3% of GSDP)

2. Legislative and institutional Interference

Issues →

- Interference in Central institution  
eg: CBI, NHRC, ED
- Ignoring Elected state government  
Eg: Muzir - Airport Amendment in Goa.
- Interference in Health and education  
Eg: NEET exam



3. Socio-Cultural federalism - Diversity in cultural foundation of regions that sustain Indian federalism. Eg: Article 29 and 30.

### Controversial laws without state deliberation

1. Electricity (Amendment) Bill, 2020
  - ↳ Subject of concurrent list (38)
  - ↳ formation of Centrally appointed Electricity Contract Enforcement Authority (ECEA)
  - ↳ changing licensing regime to facilitate private sector entry without state approval.
2. Farms law, 2020
  - ↳ State list (14) & concurrent (32-33) passed without state consent.
3. Major airport Authority Act, 2021
  - ↳ leads to redundancy of local laws in Goa
  - ↳ Transferring power of planning, developing & regulation to Union government.

### Why State Consent Necessary?

1. Reduce high-handedness of Union government by making law on subject of concurrent list.
2. Pre-requisite for smooth & harmonious function of dual system
3. Constitutionally framed that consultation of states should be taken. [Art. 263]
4. States are not mere appendages, Public welfare is the key of consultative federalism. [Eg: SR Bommai v/s Union of India]

The essence of cooperative federalism lies in consultation and dialogue & unilateral legislation without state confidence will lead to more protests on the streets.