

## CENTRE-STATE RELATIONS IN INDIA: UNDERSTANDING THE ROLE OF LAW AND ORDER

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### ABSTRACT

*The success of India's centre-state relations is crucial to the country's democratic system. However, these relationships have consistently been surrounded by complexities, disputes, and tensions, necessitating investigation into the function of law and order. In order to understand the importance of law and order in centre-state relations in India and how it affects governance and the federal structure, this research paper analyses the current knowledge gap. The constitutional and legal framework, the impact and significance of law and order, and the impact of internal security challenges are just a few of the various aspects of centre-state relations covered in this research paper. The research paper emphasizes that, following the State List of the Indian Constitution, the state government's primary duty is to maintain law and order. However, centralized support becomes essential during crises and emergencies, emphasizing the importance of a friendly Centre-state relationship. Due to the complexity, diversity, and federal governance structure of Indian society, it is crucial to understand law and order's role in centre-state relations. Additionally, internal security issues have significantly impacted centre-state relations in India, with some regions dealing with separatist movements, insurgencies, terrorism, communal violence, and other types of organized crime. Along with the requirement for proper capacity building and training of state police forces, this calls for coordination and joint efforts between the Centre and the states. The research paper emphasizes the need for a more thorough comprehension of Centre-state relations regarding law and order from a comparative perspective. It examines the institutional and human resources needed to handle crises, highlighting the significance of local civic society as a crucial element of centre-state relations. By filling in the research gap, scholars can develop a more thorough understanding of Centre-state relations in India by considering its federalism, multiculturalism, and security issues.*

**Keywords-** Centre-state relations, Constitution, Security, Law, Federalism etc.

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## I. INTRODUCTION

The effectiveness of India's relations between the Centre and the states is crucial to the country's democratic system. This system is integral to India's federalism, which allocates resources, duties, and powers between the federal and State governments. However, several administrative challenges, disputes, and tensions have hampered the effectiveness of Centre-state relations. The role of law and order is one of the critical issues affecting relations between the Centre and the State. Law and order now play a more significant role in the smooth operation of a stable Centre-state framework due to the growing involvement of non-state actors in India's national security scenario. This persistent understanding gap regarding the function of law and order in Centre-state relations in India must be addressed by policymakers, academics, and analysts alike.

By concentrating on the constitutional and legal framework of centre-state relations, including the allocation of authority, responsibility, and resources between the federal government and state governments, this research paper aims to delve into this crucial issue. Additionally, it will clarify the value of law and order in interstate relations and the effect that security threats have on this framework. This research paper will explore the need for a more thorough understanding of the role of law and order from a comparative perspective, the institutional and human capacity needed to manage crises, and the role of local civic society in developing a more effective Centre-state framework.

## II. CONSTITUTIONAL AND LEGAL FRAMEWORK

The Indian Constitution divides the duties and authority of the Central and State governments to create a federal system of government. The three lists that distinguish the federal and State governments' spheres of authority are the Union, State, and Concurrent.<sup>1</sup> The Union List includes topics solely the Centre government's purview, such as defense, foreign affairs, railways, communication, and currency. The State List includes topics solely the purview of the state government, including public order, law enforcement, health, education, land use, and agriculture<sup>2</sup>. The Concurrent List includes topics that fall under the joint control of the federal and State governments, such as criminal law and procedure, marriage, and divorce.<sup>3</sup>

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<sup>1</sup> M. P. Jain, "Federalism in India," *Journal of the Indian Law Institute* 6, no. 4 (1964): 355-379.

<sup>2</sup> Communist Party of India (Marxist), "Approach Paper On Restructuring of Centre-State Relations," *The Marxist* XXIV, no. 3 (2008).

<sup>3</sup> The Constitution of India

The Constitution also requires that financial resources be allocated between the federal government and the states via taxes and grants. Customs duty, excise duty, and service tax are all federal taxes that belong to the federal government. In contrast, state governments are responsible for collecting sales, entertainment, and entry taxes. Additionally, the Centre gives grants to the states for their social and economic advancement.

The Constitution also establishes a system of impartial judges and several judicial bodies, including the Supreme Court, High Courts, and lower courts, to administer justice. The judiciary is in charge of interpreting the Constitution and settling conflicts between the federal government and the state legislatures. The Constitution clearly states that the state governments are in charge of upholding law and order in their particular states.

Guidelines for the relationship between the national government and the state governments in upholding law and order in the nation are provided by the Indian Constitution. The Central Armed Police Forces may be deployed in states under certain conditions, such as when the state government requests it or when the state government disobeys instructions from the Centre, in order to maintain law and order.<sup>4</sup> The National Integration Council is another institution created by the Constitution to address matters affecting the nation's unity and intergroup harmony.

### **III. UNDERSTANDING THE COMPLEXITIES OF THE ROLE OF LAW AND ORDER IN INTER-STATE RELATIONS**

Any democratic form of government must maintain law and order, which is primarily the responsibility of the state governments. In India's Constitution, upholding law and order is also listed under the State List, indicating that state governments are primarily responsible. The Centre government does, however, step in during crises and emergencies, which has complicated relations between the Centre and states.

In various parts of the country, separatist movements, insurgencies, terrorism, communal violence, and other organized crime have presented security challenges for India. Given the nation's diverse sociocultural fabric and federal structure, these issues have regional and identity-based components. Centre-state relations are essential to preserving stability and ensuring efficient governance in addressing these issues.

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<sup>4</sup> Prince Raj, "Centre State and Administrative Relation in India: An Analysis," NLR | Nyaayshastra Law Review II, no. I (2021): 1.

Coordination between the state police and paramilitary forces, intelligence agencies, and the federal and State governments is necessary for centre-state relations regarding law and order. Given the delicate power dynamics between the federal government and the states, federal interventions in law-and-order issues have caused tension and conflict<sup>5</sup>. Therefore, a deeper comprehension of the complexities of centre-state relations about this crucial issue is required.

The complexity of Centre-state relations regarding law and order has also increased due to the involvement of non-state actors and the evolving nature of security threats. To address local security risks, decentralizing power and resources to the local level is essential. The establishment of community policing and the development of local government and civil society organization capacity can help to achieve this decentralization.

#### **IV. IMPACT OF INTERNAL SECURITY CHALLENGES**

India's internal security issues significantly impact relations between the Centre and the states. These issues are multifaceted, and various areas and communities deal with violence and conflicts. The Centre and states must work together to address these issues, each party playing a part while preserving a delicate power balance.

Terrorism is one of the main obstacles to India's internal security. Because it targets civilians and the government to destabilize the nation, terrorism threatens India's national security. The Centre supplies states with the knowledge, tools, and intelligence to counter these dangers effectively. Through its agencies, the federal government helps state governments combat terrorism on their respective soils by offering coordination and support.<sup>6</sup>

The situation in Jammu and Kashmir exemplifies how difficult it is for the federal government and individual states to work together on internal security issues. Terrorism, cross-border infiltration, and separatist movements have long been problems in Jammu and Kashmir. The State requires special consideration from the federal government due to its strategic location and conflict-prone past. In order to meet these challenges, the Centre offers the state military assistance, intelligence, and equipment. To uphold law and order in the State, paramilitary forces from India are also stationed there.

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<sup>5</sup> Karan Audichya & Devina Das, "The Centre–State Administrative Relations in Contemporary India: A Detailed Analysis of the Constitutional Stipulations and Recommendations for a Progressive Execution," *Asia Pacific Law & Policy Review* 4 (2018): [page numbers].

<sup>6</sup> Amaresh Bagchi, "Rethinking Federalism: Changing Power Relations between the Centre and the States," *Publius* 33, no. 4 (2003): 21-42.

Insurgency is yet another threat to India's internal security. A form of internal armed conflict known as an insurgency aims to topple the government's rule and establish a new political entity. The problem of insurgency is complicated because it typically stems from issues of identity, religion, or ideology and frequently has historical and cultural components. As a result, dealing with it calls for a nuanced strategy that acknowledges the conflict's underlying causes and encourages communication between the Centre and the affected states.

With its numerous ethnic and religious communities, the northeastern part of India has been dealing with insurgent movements for many years. The Centre has taken several steps to address these issues, including military assistance and peace negotiations. However, the insurgency's ongoing nature and complexity have frequently strained relations between the Centre and the State.<sup>7</sup>

Communal violence is another internal security issue that significantly impacts relations between the Centre and the State. India is a multicultural nation with many languages and religions, frequently leading to interreligious conflict. Given its potential to upend India's social structure, communal violence has been considered one of its most significant security threats. A multifaceted strategy involving law enforcement, community involvement, and conflict resolution techniques is needed to address communal violence.

The recent communal unrest in Delhi emphasizes the need for better coordination between the Centre-state to address this issue. The Centre must give the state government military assistance, intelligence, and equipment to maintain law and order. The Centre must also collaborate with state governments to encourage communication and ease community tensions.<sup>8</sup>

In India, centre-state relations are significantly impacted by issues with internal security. The Centre and states must collaborate to overcome these obstacles while preserving a delicate power balance. A multifaceted strategy that acknowledges the complexity of the issues at hand encourages conversation, and involves the community is needed to address these challenges. The Centre must actively support states by offering them resources like military assistance and intelligence while collaborating to foster communication and ease tensions. India's unity,

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<sup>7</sup> Alice Jacob, "Centre-State Governmental Relations in the Indian Federal System," *Journal of the Indian Law Institute* 10, no. 4 (1968): 583-636.

<sup>8</sup> Neeraj Kumar, "Conceptual Study of Indian Law and Society," *International Journal of Academic Research and Development* 2, no. 3 (2017): 421-424.

stability, and security must be maintained through effective coordination between the Centre and the states.<sup>9</sup>

## V. INSTITUTIONAL CAPACITY AND SUGGESTIONS

Institutional and human capacity are crucial issues in the relationship between the Centre and the State regarding law and order. Any security apparatus's efficiency depends on its personnel and the institutions' capacity and competence. In India, the police are in charge of upholding the rule of law and addressing issues with internal security. However, lacking institutional and human capacity has frequently hampered their ability to address these issues.

The state police forces' need for internal security management training and experience is one of their biggest problems. In India, the police are frequently charged with abusing human rights and using excessive force to address internal security issues. Internal security threats are frequently not adequately addressed because of a lack of specialized training in dealing with these difficulties and inadequate infrastructure and equipment. Therefore, the Centre must give the police the required technical and material support to improve their capacity for internal security.

The absence of coordination and cooperation between federal and State agencies is another problem with institutional and human capacity. In order to effectively address internal security issues, effective collaboration between central and State intelligence networks is essential. The data gathered by federal agencies is essential for giving state police forces actionable intelligence. In order for state police to access and make use of the intelligence provided by central agencies, the Centre must ensure that they are adequately trained.

In order to lessen the adverse effects of internal security challenges on democratic governance, local civic societies must be included in the framework of centre-state relations. Civic societies' contribution to security issues has frequently been minimized or disregarded.<sup>10</sup> However, civic societies can be beneficial in assisting and directing the police forces as they deal with issues related to internal security. Civic societies can also link the police and the public, easing tensions and fostering trust.

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<sup>9</sup> T. K. Shahani, "Juridical Basis of Inter-State Relations," *The Indian Journal of Political Science* 5, no. 3 (1944): 230-284.

<sup>10</sup> George Mathew, "Republic of India," available at [https://www.forumfed.org/libdocs/Global\\_Dialogue/Book\\_2/BK2-C06-in-Mathew-en.pdf](https://www.forumfed.org/libdocs/Global_Dialogue/Book_2/BK2-C06-in-Mathew-en.pdf).

Frameworks for law and regulation are also a part of institutional and human capacity. The legal system must be strengthened to ensure prompt justice in cases relating to internal security issues. Due to the current legal system's frequent inefficiency and slowness in addressing complicated internal security issues, suspects are jailed for extended periods, and their trials are delayed.<sup>11</sup> To simplify the legal system, create special courts for issues relating to internal security, and pass laws that strengthen the police and judiciary, the Centre must collaborate with state governments.

A component of human capacity is the hiring of personnel from various backgrounds. With most of its employees hailing from specific caste and ethnic groups, the Indian police force frequently experiences a lack of diversity. Managing problems with internal security may be easier for a police force that reflects the diversity of the Indian populace. As a result, the federal government and state governments must take action to diversify the police force.

Institutional and human capacity is crucial in relations between the Centre and the State in law and order. For the police to effectively address challenges with internal security, they must be adequately trained and equipped. In order to address challenges with internal security, coordination and cooperation between federal and State agencies are crucial. Civic societies can be critical in supporting and advising the police. Additionally, the legal and regulatory framework must be strengthened by creating special courts and passing legislation supporting the judiciary and police.<sup>12</sup> The police force's ability to deal with internal security issues may be improved by hiring a diverse workforce.

## VI. JUDICIAL PERSPECTIVE

These court rulings on the subject of institutional and human capacity in relations between the Centre-states regarding law and order are pertinent to the topic:

- In the *State of West Bengal v. Kedar Nath Bajoria* case<sup>13</sup>, the Supreme Court ruled that the limitations placed on the right to free speech and expression under Article 19(2) of the Constitution had to be justifiable and essential to safeguarding the State's interests. The case emphasizes the judiciary's function in upholding constitutional rights and guaranteeing that the security services and police adhere to the rule of law.

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<sup>11</sup> S. Saraswathi, "Participative Centralization: Sarkaria Commission's Prescription for Union-State Relations in India," *The Indian Journal of Political Science* 50, no. 2 (1989): 191-208.

<sup>12</sup> T. K. Shahani, "Juridical Basis of Inter-State Relations," *The Indian Journal of Political Science* 5, no. 3 (1944): 230-284.

<sup>13</sup> *West Bengal v. Kedar Nath Bajoria*, 1953 AIR 404.

- In the case of *Union of India v. People's Union for Civil Liberties*<sup>14</sup>, the Supreme Court emphasized the need for police reforms in this case. It declared that police officers needed to be adequately trained and equipped to handle problems with internal security. The case emphasizes how crucial it is to develop institutional and human capacity to address internal security issues.
- In the case of *Mirzapur Moti Kureshi Kassab Jamat v. State of Gujarat*<sup>15</sup>, the Supreme Court ruled that police investigations must be conducted in a fair, impartial, and professional manner and that excessive force by officers, including torture in detention, should not be tolerated. The case emphasizes the judiciary's function in upholding the rule of law and defending human rights in law enforcement and security operations.
- In the *State of Arunachal Pradesh v. National Human Rights Commission*<sup>16</sup>, the Supreme Court ruled that the State must give the police access to facilities and resources sufficient for crime investigation and maintaining law and order. The case highlights the need for cooperation between the federal and State governments to provide the police with the required tools and assistance.
- In the case of the *State of Madhya Pradesh v. Rekha Agnihotri*<sup>17</sup>, the Supreme Court emphasized the value of judicial capacity building, in this case, to make sure that judges have the necessary training and experience to handle complicated cases involving internal security issues. The case emphasizes the judiciary's function in ensuring prompt and impartial administration of justice.

## VII. CONCLUSION

This research paper has tried to analyze the knowledge gap regarding the function of law and order in interstate relations in India. A crucial issue that has an impact on federal structure and governance is law and order. The Union, State, and Concurrent List provisions of the Indian Constitution establish a federal system. According to the State List of the Constitution, state governments are primarily responsible for preserving law and order.

Internal security issues like terrorism, insurgency, intergroup conflict, and other organized crime significantly impact relations between the Centre and the State regarding law and order. In order to address these issues with internal security, the federal and State governments must

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<sup>14</sup> *Union of India v. People's Union for Civil Liberties*, (2004) 2 SCC 476.

<sup>15</sup> *Mirzapur Moti Kureshi Kassab Jamat v. State of Gujarat*, (2005) 8 SCC 534.

<sup>16</sup> *State of Arunachal Pradesh v. National Human Rights Commission*, (1996) 1 SCC 743.

<sup>17</sup> *State of Madhya Pradesh v. Rekha Agnihotri*, (2013) 15 SCC 662.



collaborate. Institutional and human capacity are crucial in law and order, and there is a need for improved coordination and cooperation between central and State agencies. This research paper has made clear the need for a deeper understanding of the function of law and order in centre-state relations in India. A more thorough understanding of Centre-state relations in India requires addressing the research gap. It is essential to understand centre-state relations in the context of India's security challenges, federalism, and democratic principles.

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