

SOS POLITICAL SCIENCE & PUBLIC ADMINISTRATION
M. A PUBLIC ADMINISTRATION II SEM(204)
SUBJECT NAME-CONSTITUTIONAL SYSTEM IN INDIA

TOPIC NAME-INTER- STATE RELATIONS

The Inter-State Relations of India!

Prevention and Settlement of Disputes:

Since the States, in every federation, normally act as independent units in the exercise of their internal sovereignty, conflicts of interest between the units are sure to arise.

Hence, in order to maintain the strength of the Union, it is essential that there should be an adequate provision for judicial determination of disputes between the units and for settlement of disputes by extra judicial bodies as well as their prevention by consultation and joint action.

While Art. 131 provides for the judicial determination of disputes between States by vesting the Supreme Court with exclusive jurisdiction in the matter, Art. 262 provides for the adjudication of one class of such dispute by an extrajudicial tribunal, while Art. 263 provides for the prevention of inter-State disputes by investigation and recommendations by an administrative body.

Inter-State Councils:

The power of the President to set up Inter-State Councils may be exercised not only for advising upon disputes, but also for the purpose of investigating and discussing subjects in which some or all of the States or the Union and one or more of the States, or the Union have a common interest.

In the exercise of this power the President has already constituted the Central Council of Health, the Central Council of Local Self-Government, the Central Council of Indian Medicine, the Central Council of Homeopathy the changing role of inter-state council

The inter-State Council was set up under Article 263 of the Constitution of India vide Presidential Order May 28, 1990.

If at any time it appears to the President that the public would be served by the establishment of a Council charged with the duty of:

(a) Inquiring into and advising upon disputes which may have arisen between states;

(b) Investigating and discussing subjects in which some or all of the States or the Union and one or more of the states, have a common interest; or

(c) Making recommendations upon any such subject and, in particular recommendations for the better coordination of policy and action with respect to that subject;

It shall be lawful for the President by order to establish such a council, and to define the nature of the duties to be performed by it and its organisation and procedure.

Composition of Inter-State Council:

The composition of the Inter-State Council as set out in the above mentioned Presidential Order includes the Prime Minister, Chief Ministers of all States, Chief Ministers of Union territories having Legislative Assemblies and Administrators of Union territories not having Legislative Assemblies, Governors of States under Presidents Rule, six Ministers of Cabinet rank in the Union Council of Ministers to be nominated by the Prime Minister and two Ministers of Cabinet rank in the Union Council of Ministers to be nominated by the Prime Minister as permanent invitees.

Duties of the Council:

(a) To investigate and discuss subjects of common interest;

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(b) Make recommendations for the better coordination of policy and actions on such subjects; and

(c) Deliberate on such matters of general interest to the States referred by the Chairman to the Council. It shall have its own Secretariat.

The legislative power to make a law for imposing a tax is divided as between the Union and the States by means of specific entries in the Union and the state Lists in Schedule VII of the Constitution.

The legislative power, in regard to taxation, belongs to the Parliament. The Constitution clearly makes the provision, of sharing the distribution of the tax revenue between the Union and the States. The Union has a share of taxes like the Income tax, the corporation tax the customs tax, etc.

The States collect the land revenue, the stamp-duty, the succession duty, the estate duty, the sales taxes, etc. Further, the mandatory provision for establishing a Finance Commission once in five years is meant to ensure a fair and equitable sharing of revenues between the Centre and States

The Real Status:

The growing sense of regionalism, the inter-state disparity the misuse of the office of the Governors in the State the extreme centralization and concentration of executive legislative and financial powers at the Centre the dissatisfaction over the functioning of the extra-constitutional bodies like Planning Commission, National Development Council, National Integration Council, the declining role of Finance Commission, Inter-State Council, Zonal Council, the exclusive power of the Centre to negotiate with foreign government and funding agencies, the growing water and border disputes have made it imperative to redefine the Centre—State relations.

A number of Committees and Commissions have suggested various remedies to get rid of this tormenting state of nature, the more notable of them being the Administrative Reforms Commission, the P.V. Rajamannar Committee, and the Sarkaria Commission.

Important Meetings:

The Council in its first meeting held on October 10, 1990 had considered the recommendations made by the Sarkaria Commission on Centre—State Relations. Keeping in view the complexities of the Issues involved and their wider implications, it was decided by the Council that the recommendations would be first examined by a Sub—committee of the Council and thereafter considered by the Council. The Sub

Committee, which was constituted in pursuance of the decision of the Council, held six meetings and finalised its views on 179 recommendations out of 247.

In its second meeting, the Council broadly endorsed the recommendations of the Sarkaria Commission as finalised by the Sub-committee. In the same meeting, the Inter-State Council decided to set up a Standing Committee for having continuous consultation and processing of all matters for consideration of the Inter-State Council. Accordingly the Standing Committee was set up vide Notification dated December 5, 1996.

The Standing Committee was last reconstituted vide Notification dated December 5, 1996. The Standing Committee was last reconstituted vide Notification dated February 7, 2000 with six Union Cabinet Ministers and eight Chief Ministers. The Standing Committee has, in all, held eight meetings so far.

The Inter-State Council has held six meetings so far and has taken decisions on 171 of the 247 recommendations of the Sarkaria Commission.

Some of the major decisions of the Council, inter- alia, are as follows:

- (a) The Council approved the Alternative Scheme of Devolution of Share in Central Taxes to States as recommended by the Standing Committee.
- (b) The Council approved amendments in guidelines for identification and selection of issues. The Council further approved that the procedure for conduct of its business which will apply to the meetings of the Standing Committee also.
- (c) As there was no consensus on Article 356 of the Constitution of India, the Council decided to refer the matter back to the Sub-Committee, constituted by the Standing Committee in its sixth meeting, to evolve consensus formats for consideration in the Standing Committee.
- (d) The Council has taken decision that the Ministry of Law, with the assistance of other Ministries concerned, should take up an exercise to fine-tune laws relating to Centre-State interface.
- (e) The Council decided that on the subject of delay in State Bills so referred for President's consideration, there should be time-bound clearance of Bills referred. The Bills should not be reserved for President's consideration in a routine manner and should be reserved when constitutionally they are required to be referred for the purposes listed in the Sarkaria Commission recommendations on the subject.

(f) The Council decided that the issue regarding the use of Articles 256, 257 and 365 of the Constitution should be remitted to the Sub-Committee deliberating on the issues of Article 356.

(g) The Council decided that the Ministry of Home Affairs would initiate appropriate amendment in the Constitution to give effect to the decision taken by the Council for disposal of the Bills by the Governor and the President within a period of one month and four months, respectively, from the time these are sent for their assent.

In the intervening period, Ministry of Home Affairs would initiate further action by way of addressing a letter to the Governors and to the Union Ministries to ensure disposal of the Bills within the above time-frame.

(h) The Council took a decision that a Sub-Committee of the Inter-State Council would be set up under the Chairmanship of the Union Finance Minister to examine all issues relating to contract labour and contract appointments.

During the year 2000, the Inter State Council met once on May 20, 2000 and the Standing Committee of the Inter State Council met twice on April 4, 2000 and September 1, 2000. As per the procedure, the decisions of the Standing Committee on the recommendations of the Sarkaria Commission are required to be placed before the Inter-State Council for final approval.

As per the decision taken in the meeting of the Inter-State Council held on January 22, 1999, implementation of the decisions of the Inter-State Council is being monitored on monthly basis.

The Srinagar conclave of the Inter-State Council arrived at a consensus on preventing the misuse of Article 356. The ISC finally arrived at a conclusion that the report of the National Commission to Review the Working of the Constitution (NCRWC) must be implemented. The NCRWC clearly recommended that (a) Article 356 should not be deleted; but it must be used sparingly and it should be used only as a remedy of the last resort; and after exhausting action under other Articles like 256, 257 and 355; (b) In case of political breakdown, necessitated invoking of Article 356, before issuing a proclamation there under, the concerned state should be given an opportunity to explain its position and redress the situation, unless the situation is such, that following

the above course would not be in the interest of security of state, or defence of the country, or for other reasons necessitating urgent action; and (c) the Governor's report should be a speaking document, containing a precise and clear statement of all material facts and grounds, on the basis of which the president may satisfy himself, as to the existence or otherwise of the situation contemplated in Article 356. There is no need to amend the Constitution. The Article 356 must be seen in the light with Article 355, 256, 257, 353 and 365.

The ISC has admitted (i) that all proclamations under Article 356 were so far issued without taking Article 365 into consideration; and (ii) that till date the Union Government had never issued directions under Article 256-257 as the mandated precondition for imposition of President's rule under Article 356 read with

The commission, therefore, recommends that clauses, (6) and (7) under Article 356 may be added on the following lines:

356 (6) should read:

Notwithstanding anything contained in the foregoing clauses, the president shall revoke a proclamation issued under clause (1) or a proclamation varying such proclamation if the House of the People passes a resolution disapproving, or, as the case may be, disapproving the continuance in force of, such proclamation.

356 (7) should read like:

Where a notice in writing, signed by not less than one-tenth of the total number of members of the House of the People has been given, of their intention to move a resolution for disapproving, or, as the case may be, for disapproving the continuance in force of, a proclamation issued under clause (1) or a proclamation varying such proclamation.

The only matter in which NCRWC recommended a constitutional amendment in regard to Article 356 concerned until the proclamation is approved by Parliament. This proposal has been accepted at the ISC meeting at Srinagar.

Zonal Council:

Each zonal council consists of the Chief Minister and two other Ministers of each of the States in the zone and the Administrator in the case of a Union Territory. Zonal Councils have been established by the States Reorganisation Act, 1956 to advise on matters of

common interest to each of the five zones into which the territory of India has been divided-Northern, Southern, Eastern, Western and Central.

These Zonal Councils do not owe their origin to the Constitution but to an Act of Parliament, having been introduced by the States Reorganisation Act, with a view to securing co-operation and co-ordination as between the States, the Union Territories and the Union, particularly in respect of economic and social development.

If properly worked these councils would thus foster the 'federal sentiment' by resisting the separatist tendencies of linguism and provincialism. The zones covered by these Councils are as follows.

- (i) The Central Zone, comprising the States of Uttar Pradesh and Madhya Pradesh.
- (ii) The Northern Zone, comprising the States of Haryana, Himachal Pradesh, Punjab, Rajasthan, Jammu & Kashmir, and the Union Territories of Delhi & Chandigarh.
- (iii) The Eastern Zone, comprising the States of Bihar, West Bengal, Orissa and Sikkim.
- (iv) The Western Zone, comprising the States of Gujarat, Maharashtra, Goa and the Union Territories of Dadra & Nagar Haveli, Daman & Diu.
- (v) The Southern Zone, comprising the States of Andhra Pradesh, Karnataka, Tamil Nadu, Kerala and the Union Territory of Pondicherry.

Besides these, there is the North Eastern Council set up in 1971, to deal with the common problems of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram.

Each Zonal Council consists of the Chief Minister and two other Ministers of each of the States in the Zone and the Administrator in the case of a Union Territory. There is also provision for holding joint meetings of two or more Zonal Councils. The Union Home Minister has been nominated to be the common chairman of all the Zonal Councils.

The Zonal Councils discuss matters of common concern to the States and Territories comprising to each Zone, such as, economic and social planning, border disputes, inter-State transport, matters arising out of the reorganisation of States and the like and give advice to the Governments of the States concerned as well as the Government of India.

River Board:

The River Boards Act, 1956, provides for the establishment of a River Board for the purpose of advising the Governments interested in relation to the regulation or development of an inter-State river or river valley.

Water Disputes Tribunal:

The Water Disputes Act, 1956, provides for the reference of an inter-State river dispute for arbitration by a Water Disputes Tribunal, whose award should be final according to Art. 262 (2A).

The Patterns and Trends of State Politics in India

Read this article to learn about the patterns and trends of state politics in India:

There have been remarkable variations in the State politics in India. In some states regional political parties have emerged, while in other national parties have a strong foothold. There are three trends regarding the political parties in States:

- (a) in some States only national parties like Congress, Janata Dal, BJP etc. have registered success in the election fray,
- (b) in other States strong regional parties have been successful in elections; and
- (c) there are also States in which the communists have maintained a strong base, e.g., West Bengal (and to some extent in Kerala and Tripura).

In the first category, we have States which are economically backward. Both the economy and society in these States are still semi-feudal. There is hardly any effect of the green revolution in these areas.

Land reforms are yet to be implemented in the real sense. So, the dominant castes/classes in these states support the Congress Party. On the other hand, the middle castes/classes support other national parties.

In the second category we have States like Assam, Tamil Nadu, Andhra Pradesh, Punjab etc. where different regional parties have emerged. These parties have a strong social base and they have become major contenders for power at the State level. There are several factors which have contributed to the growth of regional parties in these states.

However, the leading factor is the consolidation of the dominant regional classes: The regional bourgeoisie and big and middle peasantry in these States. In the third category there are States like Kerala and West Bengal.

West Bengal is a region that has experienced numerous social reform movements in the past. State politics in West Bengal thus becomes peculiar on account of its historical background.

As an offshoot of modernization, the emergent industrial class and other dominant pressure groups joined forces with the dominant middle classes. This has given rise to politics of protest and agitation.

A different trend is available in most of the underdeveloped States like Bihar, Orissa, Madhya Pradesh, Rajasthan and Eastern Uttar Pradesh. Here along with a fragmented social structure and continuation of semi-feudal domination there is lack of an institutionalised party system and prevalence of considerable factionalism within parties. Factors like caste and kinship loyalties and personal feudal rivalries play an important part in political processes of these States.

Although because of multiple contests the Congress Party has in general been emerging as the largest single party, it as well as other parties lack a firm social base and continuous strength.

In general, the trend at the State level is of intense factionalism in almost all the parties. There are many group conflicts within party organizations. It is rare that such conflicts are based exclusively, upon regional, caste or other ethnic attachments and rare indeed for such conflicts to be based exclusively upon class and occupational interests.

While caste and religious conflicts tend to be intense, factional conflicts are fluid with more flexible relationships; the opportunities for skillful leadership capable of coalition building are therefore greater in a situation of factional politics than in a situation of conflicts based upon intense, primordial religious and cultural attachments

But in general both these factors are responsible for the lack of institutionalization of the party system. This, along with increased competition at state level causes instability as well as affecting the performance capacities of the governments.



