
The Recent Trends in Federal Relations in India

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Abstract: *However, the basic concept of centralized federalism emerged in Nehru era and furthermore during the time of Prime Minister Smt. Indira Gandhi; but after the formation of Janta Party Government in 1977, a due emphasis was given on cooperative federal relations. In this sequence, a commission on federal relations was constituted in 1983 which submitted its report in 1987. It had total 247 recommendations which is known as Sarkaria Commission. However some of the important recommendations were not implemented in the consequent years and a new commission on federal relations was constituted and it was known as Punchhi Commission, which submitted its report in 2010 with more than 350 recommendations and it emphasized on cooperative federalism. The present research paper highlights the emerging trends in federal relations in India.*

Keywords: Federal Relations, Raj Mannar Committee, Sarkaria Commission, Punchhi Commission, Article – 356.

Introduction: The fact is that during the period of Nehru and Indira Gandhi, Indian federalism remained centralized and centre government executed the policy of centralized federalism.

However, most of the states criticized this trend in the wake of 1977; but again in 1980 after the formation of Congress Government the old trend came into existence and voices against centralization raised in many parts of India. However, it was focused on the partisan role of the governor in acting as an agent of centre government. Likewise, regarding the fiscal subjects and sharing of taxation and revenue some issues became critical in federal relations. Apart from the centralized tendency of the union, misuse of Article – 356 was also criticized and it became a major contentious issue in the centre state relation. After the death of Nehru these issues were classified as constitutional, political and financial.

The office of the governor was considered under the constitutional issues in the late of 1967, the governor was bound to accept the advice of CM to dismiss the assembly after using the confidence of majority. It was said that

if there is no party with absolute majority in the legislative assembly than single largest party should be invited to form the government. If that party remains unsuccessful in its objective than alternative government should be tried and in case of inability of any party to form government the governor should recommend the president rule. However, in some states these guidelines were followed and in some of the states were ignored. Now a demand for the appointment of the governor came that the governor should be appointed with the consultation of chief minister.

Meanwhile, the Raj Mannar committee report of 1971, was an important documents of federal relations. It stated that an inter-state council consisting of Chief Minister as Chairman to be set-up to resolve inter-state dispute and the governor should be appointed with the consultation of Chief Minister. Moreover, Article – 356 should not be misused by the Governor and residuary power should also be vested in state legislature.

However, one of the major

constitutional issues was related to the deployment of para-military forces by the centre to control any confrontation in any state. With the break of Janta Party and the political scenario after the formation of the Congress party in 1980 it was an important issue to evolve new codes of behavior in dealing with the opposition ruled states of Kerala, West Bengal, Tripura, Tamil Nadu, Karnataka etc.

Here we can't ignore the fact that the major recommendations of West Bengal document on Centre-State relation paved a way to cooperative federalism. It stated:

- The preamble of the constitution should describe India as a federation of state than the term union. All the states should be accorded more powers to impose taxes.
- Rajya Sabha should be directly elected with equal representation of states and its power should be equal with that of Lok Sabha.
- Article 302 should be deleted and Article 368 should be amended as to ensure that no amendment of the

constitution may be possible without its power.

- English as an official language should be continued in non-Hindi regions.
- Article-249 should be abolished and centre should have no jurisdiction of the State services. The special status of Jammu-Kashmir under Article 370 should be retained. The 7th schedule and its list should be reformulated and the states should have exclusive control over police and paramilitary forces.

Furthermore, the West- Bengal document was a well-thought and precisely drafted memorandum and it aimed to arrest the increasing tendency of the centralization. It gave some radical suggestion to break up the hegemony of center over states. Nevertheless, it was not honestly implemented and in August 1983 a new commission was set up under the chairmanship of Justice R.S. Sarkaria. The commission took four years to complete its deliberations and it submitted its report on October 27,

1987 with 247 recommendations. The way in which Governor had used their discretionary powers to serve the interests of centre in appointment of Chief Minister as by Governor Tapasay in Haryana and the Governor Jagmohan by dismissing the Govt. of N.T. Rama Rao in 1984 had become a bone of contention in Centre-State relation. The commission recommended that the role of Governor should be impartial and an eminent person who is not active politician should be appointed as Governor with the consultation of Vice- President, Speaker of Lok-Sabha and the Chief Minister of the State. It recommended that the Governor should be a person of the outside of the State and he should not be actively connected of the Local Politics of the State. If Governor recommends president's rule, it should be published in the Media.

Regarding the Article-356, the commission recommended that it should be avoidable and all the alternatives should be exercised. This power should only be executed in case of extreme urgency by the governor. It

had also suggested that before taking any action under Article – 356, any explanation received from the state should be taken in to account. However, today this article may be reviewed in the perspective of S.R. Bommai case, 1994. The commission suggested establishing an inter-state council which was established in the year of 1993. It also suggested reconstituting national development council under Article – 263. Some of its other recommendations are as under:-

- Corporation tax should be made shareable with states and centrally sponsored scheme should be strictly limited to centre.
- There should be a periodic review of industries Act 1951 under Union List. An expert authority under Article 307 to deal the issue of trade and commerce should be constituted.
- There should be clear cut language policy and Article 347, 350 & 351 should be implemented purposefully with sole and spirit.

Moreover, three language formulas should be enforced with honestly.

- The president should not make any delay on state bills.
- The commission favored the retention of a strong state but detained undue centralism.
- The commission rejected the demand for certain state subjects to the concurrent list and it recommended that armed forces should only be deployed after the consultation of the concerned state.
- It recommended constituting the cooperative federalism by avoiding all confrontations in federal relations.
- It recommended that no commission of enquiry should be set up against a union or state minister to investigation charges of corruption of abuse of power unless such a resolution first passed by the parliament by simple majority.
- It recommended that the centre should have a power to decide matter related to deployment of its armed forces after the recommendation of the concerned state.

- It recommended constituting a zonal council to provide a forum for the first level discussion on the contentious issues in the concerned state and centre.
- It recommended that all the residuary powers of legislation in regard to taxation matters should remain with parliament.

To conclude the Sarkaria commission emphasized on cooperative federalism and it recommended that Article 258 provides a tool by the liberal use of which cooperative federalism can be realized by the centre and state. However, it favored the strong centre; nevertheless it suggested making a wise use of Article-356.

The consequent governments made no more interest to implement its recommendation and after the formation of coalition governments after 1989 a new era of federal relations started. Now these governments exercised the policy of cooperative federalism and all disputes were solved with the consent of concerned state and centre

government. However, regarding the abolition of the Article 370 BJP made a promise to abolish it if it comes into rule. But after the formation of UPA government in 2004 and in 2009, it did not raise the issue of Article-370. It is true that the UPA Government in its Public Documentary Report (2004-08) recorded many of its achievement in matter befitting in the state. It seemed to sum up the issue of security and development in India's north-east part notably in Tripura in 2008. It executed its practices of centre releasing large financial development packages for the North East as a rehabilitation package known as Operation Sadbhawana program which was very effective in Jammu and Kashmir.

In the first term the UPA government established the Punchhi Commission on 27 April 2007. Its main task was to look into a fresh output and to recommend the relative roles and responsibilities of each level of government i.e. Center and State over the last two decade. It submitted its report in 2010 with more than 350 recommendations. However, the

commission has taken not of very significant change in India in the wake of 21st century in the era of collision government. Now after the formation of BJP Government in 2014 a new trend of more and more cooperative federalism has been observed by some scholars.

Conclusion: Now it can be said that there is a radical change in federal relations after the formation of BJP Government in 2014. However, the center government has made every effort to establish to cooperative relations with the states; but where the non-BJP governments are in states, they are not satisfied with the Govt. on some key issues. Today it is an urgent need that centre government should follow the path of the cooperative federalism and it should exercised all

good practices in cooperative federalism which would pave a way to remarkable change in federal relations.

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