

**(July 2024). MECHANISM OF RESOLUTION OF INTER-STATE DISPUTE: A STUDY ON NATIONAL SCENARIO**

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**MECHANISM OF RESOLUTION OF INTER-STATE DISPUTE: A STUDY ON NATIONAL SCENARIO**

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**ABSTRACT**

*The main aim of this research is to study inter-state dispute resolution mechanism of national scenario. The researcher has used both primary and secondary sources of information to complete this study. Debates from the Constituent Assembly as well as annual reports from Planning Commission, National Development Council, and Inter-State Council were used as primary materials. Books and journal articles from scholarly publications were among the secondary sources. The study is concluded that the planning in our country means directing development efforts within context of an interconnected economic state and processes. The National Plan is a federal government plan as well as a coordinated state plan. Effective collaboration between the Union and the states is critical during the planning process. The Planning Commission has had a dual role, advising and participating in the Union Ministries' planning efforts while also advising and coordinating state plans.*

**KEYWORDS:** *Inter-state dispute, resolution mechanism, planning commission etc.*

**INTRODUCTION**

Harmonious and cooperative interactions between various States are as crucial for the smooth operation of our federation as those b/w Centre & States. Various issues have arisen in inter-State interactions from time to time. On one hand, there are issues such as increased competitiveness among states, and on the other, there are disagreements over river water sharing, among other things.

With the removal of limitations and more freedom for the location of companies, states' competitiveness to recruit industries & other economic activity by giving incentives has increased. While constructive competition among states for better & more efficient services is to be welcomed, practice of offering tax breaks & subsidies must be viewed in context of whether they contribute to national welfare. There are several examples of states competing to provide sales tax and other refunds in order to attract new industrial units. Because the same concessions are permitted in several states, they are no longer the key guiding factor for the site of an enterprise, and other critical criteria such as the efficiency of services & infrastructural facilities may become more essential.

Similarly, states frequently give tariff concessions to specific parts of the economy. Power tariffs are an example, and several states have been delivering power to diverse industries at prices far lower than the cost of producing. At the Chief Minister's Conference, a national consensus had emerged for establishing minimum tariff for agriculture & transitioning to a tariff-fixing framework for recovering expenses. Some states, however, have defied the norm and provided free power to the agricultural sector.

This has not only placed financial health of State Electricity Boards in jeopardy, but it has also caused issues for neighboring states, where strident requests for similar

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concessions have been made. Populist policies tend to spread because, once given by one state, pressure builds up in neighboring states to offer same concessions. The same is true for administrative fees for other services such as irrigation and water. Despite the fact that several Commissions have recommended minimum prices for such services in order to recoup at least O & M expenses, many states have failed to adopt these recommendations, depriving them of an essential source of revenue & placing their financial condition under severe strain. A national consensus on issues like as tax harmonisation, minimum tariffs for certain services, subsidy ceilings, & facilitation of inter-state trade flows is vital. It is critical that all governments collaborate to develop mutually beneficial policies.

Another significant issue that has arisen over and over again is the distribution of natural resources such as river waters, which has caused serious tensions and hampered effective utilization of such resources.

A national strategy on this problem is required, as is the establishment of an appropriate framework for resolving such conflicts.

While our politicians are focused with settling bilateral difficulties with China and Pakistan, new charges of several local territorial conflicts have surfaced. The people and administrations of the afflicted countries are at odds. A recent clash between Assam and Nagaland residents resulted in one death & 21 injuries.

### **OBJECTIVE OD THE STUDY**

The main aim of this paper is to study inter-state dispute resolution mechanism of national scenario

### **RESEARCH METHODOLOGY**

The researcher has used both primary and secondary sources of information to complete this study. Debates from the Constituent Assembly as well as annual reports from Planning Commission, National Development Council, and Inter-State Council were used as primary materials. Books and journal articles from scholarly publications were among the secondary sources. In order to determine what kinds of amendments to the Constitution may be made to ensure the efficient operation of intergovernmental organizations and center-state relations, the researcher also thoroughly examined the proposals of the Constitution Review Commission and Sarkaria Commission.

### **INTER-STATE CLASHES IN INDIA**

#### **ASSAM -NAGALAND**

Although the 2 states share a 434-kilometer border, Nagaland has been hostile to Assam since its inception in 1963, intruding on large swathes of land in the upper-Assam district of Sivasagar, Jorhat, & Golaghat. The first battle b/w 2 states occurred in 1965 near Assam's Kakodonga Reserve Forest. More than 100 people were slain in Golaghat district by Naga insurgents, who reportedly had the backing of Nagaland police. More conflicts occurred in 1979 and 1985. On August 20, a fight between residents and police resulted in at least three deaths and several injuries. The Centre attempted to break the stalemate by establishing Sundaram Commission in 1971 & the Shastri Commission in 1985, & while both panels decided in favor of Assam, no solution was enacted since Nagaland refused to accept findings. Assam is presently suing the Supreme Court over these border concerns, and a decision is still waiting.

### **MAHARASHTRA-KARNATAKA**

Under the States Reorganisation Act of 1956, sections of Bombay, Hyderabad, Madras, & Coorg were merged with former state of Mysore to establish Karnataka. In process, Karnataka absorbed 865 Marathi-speaking villages in Belgaum, Karwar, Gulbarga, & Bidar. This is main source of contention between the two countries. Mehr Chand Mahajan, India's third Chief Justice, was appointed in October 1966 to provide suggestions to resolve the issue. This came after Senapati Bapat, an independence warrior, and three other leaders fasted to death in Maharashtra, asking that the conflict be resolved. In August 1967, the Mahajan panel issued its findings, which proposed transfer of 264 villages out of 865 claimed by Maharashtra (which did not include Belgaum). The committee also suggested that 247 Maharashtra villages be transferred out of the 516 sought by Karnataka. On July 29, 2014, Marathi citizens and Karnataka officials clashed over the removal of a "Maharashtra Rajya" sign. The cops used lathi-charges on individuals involved in the fight. The Maharashtra coalition government, led by the Congress and the NCR, filed a complaint in Supreme Court in March 2004, where case is still pending. The Shiv Sena has now asked Prime Minister Narendra Modi to intervene in situation, albeit considering BJP's existing relationship with the Shiv Sena, they shouldn't anticipate any favors from Modi anytime soon.

### **GUJARAT -RAJASTHAN**

The conflict between Gujarat & Rajasthan is over Mangadh Hill, which is located on two states' border. Rajasthan claims possession of entire hill, but Gujarat claims half of it. The dispute extends back 40 years, however the hill is presently under the hands of the Rajasthan government. Folklore claims that hundreds of tribals were slaughtered in highlands in 1911 while opposing British control. Every January, their family gather there to pay their respects to deceased. The Panchmahal district administration in Gujarat has just begun building a road to hill, as well as forest cabins & hand pumps for pilgrims. The Rajasthan government objected strongly against this. Many landowners have filed complaints alleging illegal encroachment on their property, claiming that Rajasthanis holding adjacent parcels of land engage in illegal activities on their fields. So yet, neither party has made any progress toward resolving the matter.

### **KARNATAKA-KERALA**

The Reorganisation Committee decided in 1956 that district of Kasaragod, which was mostly populated by Kannada-speaking people, be included into Kerala. People in the district have since complained about the Kerala government's "step motherly" conduct. A panel chaired by a retired Supreme Court justice was founded in 1967. The matter has been assigned to Justice M. Mahajan for investigation. The committee suggested that the Kasargod Taluk be transferred to Mysore, which later became Karnataka, north of the Chandragiri and Payaswini rivers.

### **ODISHA -WEST BENGAL**

These two countries have been at odds for more than 30years. This is a violent territorial conflict b/w states at many levels, with farmers fighting land along the border, both states acquiring property to establish government facilities, and border residents carrying dual voter ID cards for political reasons. Recently, the rulers of Odisha and West Bengal disputed over control of a small island in Bay of Bengal known as Kanika Sands. In 2010, Kolkata Port Trust (KoPT) published a tender notice in many periodicals indicating that the port limits had been extended to include Kanika Sands. The Odisha government protested to statement, stating that island was off coast of Odisha & that they should be

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entitled to award contracts for construction only on Kanika Sands. In 2013, Shipping Ministry ruled in favor of Odisha, extending port boundary of Paradip Port Trust (PPT) to include Kanika Sands.

### **ASSAM - MEGHALAYA**

These two states have been at conflict for decades over their common border. It all began when Meghalaya challenged 1971 Assam Reorganisation Act, which gave Assam Part 1 and Part 2 of Mikir Hills, which Meghalaya says are part of the United Khasi and Jaintia Hills. Tensions b/w the two states recently flared up in 2008, when Assam government wanted to develop a primary health sub-centre in Langpih. The Meghalaya administration was outraged by these events, & Assam's Chief Minister was called to Meghalaya by his counterpart to settle dispute, but he rejected. Meghalaya threatened to seek Centre to intervene or to move to Supreme Court if the Assam administration made no attempts at reconciliation. Assam eventually consented to talk. Both CMs met and decided to form a high-level coordination group. However, conflicts between the two countries occur on a regular basis at 12 points along the border. Several clashes have occurred in Darakona between the Garo and Rabha populations. During these battles, an estimated ten people were killed, almost a hundred were injured, 50,000 were homeless, and more than 300 dwellings were destroyed.

### **ASSAM - ARUNACHAL PRADESH**

Arunachal Pradesh became a Union Territory on January 20, 1972. Later, when Arunachal Pradesh was formed from Assam as a state in 1987 under North East Reorganization Act, 1971, people of Arunachal Pradesh recognized their designated boundaries with Assam. However, there has been a problem of claimed Assamese invasion since then. The Arunachal Pradesh administration initially reported violence in 1992, alleging that Assamese were erecting houses, markets, and even police stations on their territory. Since then, conflicts on the border have resulted in the deaths of civilians. For example, during an eviction effort in 2005, Assam forest authorities & police allegedly burned fire more than 100 homes in Arunachal Pradesh's East Kameng district. In 2007, tensions rose again when villagers in Assam opened fire on one another at a peace meeting, wounding eight individuals. The Assam government petitioned Supreme Court. In September 2006, Supreme Court established a Local Commission to determine boundaries of Nagaland, Assam, & the state of Arunachal Pradesh. The case is now pending before Supreme Court, awaiting recommendations of panel.

## **CONSTITUTIONAL MECHANISMS**

Sovereignty is apportioned b/w federation & units under a constitutional arrangement based on the federal concept. The division of sovereignty entails establishment of boundaries, which is certain to cause disagreements as to which side of boundary matter falls. The reason for this is that the boundaries formed do not describe geographical phenomena, social currents, or political forces. The minds of men draw boundaries. However, they are only intellectual inventions whose practical application to external reality cannot always be unanimous. In this realm, differences can be inserted. And, if such conflicts do occur, a well-thought-out systematic framework for inter-state dispute settlement is desirable.

## **VARIETY OF MECHANISMS**

### **JUDICIAL AND EXTRA JUDICIAL MECHANISMS**

The Indian Constitution contemplates a number of mechanisms for resolution of inter-State disputes, using term "dispute" in a broad & inclusive sense to include not only disputes before judiciary, but also disputes for which an extra-judicial mechanism is envisaged by Constitution.

#### **THE JUDICIAL MECHANISM: ARTICLE 131**

Article 131 of Constitution is primary article establishing judicial procedure for dealing with inter-State disputes affecting a legal right. It gives Supreme Court of India exclusive jurisdiction over issues concerning legal rights. This Article covers any dispute [1]

- (a) B/w Government of India & one or more States; or
- (b) B/w Government of India & any State or States on one side & one or more other States on other; or
- (c) B/w 2 or more States,

If & only if disagreement includes any issue (whether of law or fact) on which the existence or scope of a legal right is dependent.

#### **DISPUTES RELATING TO WATER**

Article 262 of Constitution allows Parliament bylaw to legislate for arbitration of disputes involving inter-State rivers or river valleys. The statute established in this manner may preclude the Supreme Court and other courts from exercising their authority.

#### **INTER-STATE COUNCIL**

Finally, article 263 of Constitution provides for establishment of an inter-State Council. Although this Council has several responsibilities, it is also qualified to provide advise on inter-state conflicts.

## **THE SUPREMECOURT AND ITS JURISDICTION**

### **ORIGINAL JURISDICTION OF THE SUPREME COURT**

Article 131 of Constitution, which is stated below, contains the main provision of the Constitution that is pertinent to the matter under debate. The article is mostly based on Section 204 of Government of India Act, 1935. However, caveat (excluding Court's authority over certain treaties, etc.) is novel. The Constitution (7th Amendment) Act of 1956 altered proviso itself. "131. Original authority of Supreme Court - Subject to terms of this The Declaration of Independence, High Court shall, to avoid involvement of any other court, have initial jurisdiction in any dispute"

- (a) B/w Government of India & one or more States; or
- (b) B/w Government of India & any State or States on one side & one or more other States on other; or
- (c) B/w 2 or more States,

If & only if disagreement involves a point of law or fact on which existence or scope of a legal right is dependent. "Provided, however, that said control does not apply to any dispute arising out of any agreement, a contract, covenant, involvement, sanad, or other similar tool went into into or executed prior to the the start of this document and which continues to be in effect after the start of this document, or which expressly states that said power shall not extend to such a dispute."

#### **PARTIES (ARTICLE131)**

If opposite party is a public sector corporation, Article 131 of Constitution does not apply. [AIR 1970 SC 1446, 1449, 1452; (1970) 1 SCC 67, 69, 70],

### **EARLIER PROVISIO**

It should be noted that, before to its alteration in 1956, Article 131, proviso read as follows: "Provided that aforementioned authority shall not extend to-

1. A dispute in which a State defined in Part B of Initial Schedule is a party, if it arises from the terms of a treaty, acceptance, covenant, engagement, sanad, or similar tool entered into or executed prior to the start of the Constitution's drafting & continues to be in operation since that commencement;
2. An issue to which any State is a party, unless it is the consequence of a clause in a treaty, agreement, covenant, engagement, sanad, or other similar document indicating that stated authority does not apply to such a dispute."

### **"LEGAL RIGHT" – DECISION UNDER 1935 ACT**

Although Article 131 of Constitution is quite broad in scope, embracing both factual and legal concerns, it should be noted that it is only applicable "if & insofar as dispute involves any question, on which existence or extent of a legal right depends."

Salmond's [2] opinions on the definition of the phrase "legal right" are frequently cited. According to him, it is an interest acknowledged & safeguarded by a legal justice standard - an interest whose violation would constitute a legal wrong committed against the person whose interest it is, & whose respect is a legal obligation. In this context, a Federal Court judgement on Section 204 of Government of India Act 1935 is necessary. [3]

In that case, the plaintiff sued the respondent to retrieve money he claimed had been incorrectly credited to the Cantonment fund. The defendant maintained, among other things, that the issue was not justiciable before the Federal Court in its original jurisdiction since, under the existing statutes at the time, no Province could file an action against the Government of India. The claim was denied by the Federal Court because it involved the existence or extent of a legal right. Judge Sulaiman noted repeatedly during the hearing: "The term 'legal right,' as used in Section 204, obviously refers to a legal right that can be maintained by the power of a state, but not usually in a court of law." It is the right of a recognized and safeguarded authority, a breach of which would constitute a legal wrong to his interest, and respect for which is a legal requirement, even if no action is taken. The sole elements appear to be legal acceptance and legal protection. The fact that, under the previous Act, provincial governments relied on the national government and could only make representations to the Governor-General-in-Council or the Secretary of State did not suffice to hold that the former had no legal right against the governing body at large, even in respect of rights conferred upon them by the Act or the Constitution.

### **POLITICAL DISPUTES EXCLUDED**

At same time, it is clear that conflicts that donot contain any problems of legal right, such as those with just a political character, are not covered by Article 131. [State of Bihar v. Union of India, AIR 1970 SC 1446: (1970) 1 SCC 67]

### **CASES WHICH INVOLVE LEGAL RIGHT**

However, if a constitutional right is at stake, for example, article 131 canbe used, even if subject matter has sparked political debate.

1. State of Rajasthan Vs. Union of India, AIR 1977 SC 1361; (1977) 3 SCC 592 (Rajasthan Assembly Dissolution Case).
2. State of Karnataka vs. Union of India, AIR 1978 SC 68, paras 141-149, 159-165, 198-203(1997) 4 SCC 608 [Case pertaining to the ability of Central Government to commission a direct enquiry into conduct of the State Chief Minister],

### ***THE SCOPE OF ARTICLE 131 AS TO SUBJECT MATTER***

It may be useful to point out at this point that the Supreme Court's power under Article 131 is not restricted to problems pertaining to specific or specific concerns. Article 131 of Constitution allows Supreme Court to have initial jurisdiction "in any dispute" (b/w federation & its units, or among the units themselves), subject to certain other provisions of Constitution (which expressly or tacitly forbid this authority). If the matter is justiciable, the jurisdiction is extraordinarily broad. The goal of the framers of the Constitution is that such conflicts be resolved once and for all before the highest court of the nation, rather than via numerous layers of the judicial system.

### ***LIMITATION REGARDING PARTIES***

The disagreement must, of course, be b/w parties stated in preceding paragraph. Article 131 prohibits the consideration of a private individual's claim. [4]

### ***PUBLIC LAW ELEMENT***

In addition, it appears that some part of "public law" should be included in dispute that can be brought before Supreme Court under article 131. Article 131, for example, does not address conflicts involving just normal business or commercial activities. [AIR 1984 SC 1675:(1984) 4 SCC 238].

### ***POLITICAL MATTERS***

- (a) The phrases "any question (whether of factor of law) on which existence or extent of a legal right depends" in Article 131 appear to extend the scope of the article while also qualifying its scope.
- (b) On one hand, these expressions imply that factual disputes are not prohibited, provided that the conclusion of the factual debate leads in a decision on existence or extent of a legal right.
- (c) At same time, dispute before court must be related to a legal right. As a result, purely political issues fall outside the purview of Article 131. [5]

### ***"LEGAL RIGHT" - THE CRUCIAL EXPRESSION***

In Article 131, word "legal right" is crucial. This term essentially eliminates from the Court's jurisdiction any disputes involving exclusively non-legal issues<sup>6</sup>. Unlike scheme of Code of Civil Procedure, which requires, among other things, that individual coming to court (i.e. plaintiff) must have a basis of action in his favor, Article 131 does not require that legal right recommended or denied in progressing in challenging be that of party addressing judicial power or of the party against whom such authority is invoked. This aspect is illustrated by following 2 decisions of Supreme Court, noted below -

1. State of Rajasthan Vs. Union of India, AIR 1971 SC 1361.8
2. State of Karnataka Vs. Union of India, AIR 1978 SC 68: (1977)4 SCC 608.9

The primary issue in the first of these cases was the breadth of President's jurisdiction (under Article 356 of Constitution) to suspend State's constitutional apparatus. The issue in second case stated above was largely existence of a power in the Central Government to establish a Commission of Inquiry to probe behavior of State Ministers in performance of their official duties. 10 The Supreme Court's jurisdiction was considered to have been adequately claimed in both cases.

### ***THE KARNATAKA CASE***

In fact, in this perspective, it may be instructive to analyze the facts of Karnataka case in further depth. The Union of India issued a notification in "State of Bengaluru vs. Union of India" [6] under Section 3 of the Commissions of Inquiry Act, 1952, to investigate the behavior of various Ministers of the State Government of Karnataka (including the Chief Minister). The State Government disputed the legitimacy of the declaration, alleging a constitutional issue with

federalism. The basic point raised was that the State Cabinet was simultaneously responsible to the State Legislative Assembly under the Constitution's framework [Article 164 (2) of the Constitution]. Under the Constitution, the Centre had no parallel authority over the State Cabinet (or its members). The State Government's lawsuit ultimately failed. However, the Supreme Court's jurisdiction (under Article 131) to hear the aforementioned case was upheld. The relevant point for this purpose is that the proceeding was found to be maintainable by a majority judgment, and it was specifically held that the alleged distinction between the State (an abstract entity) and the federal government of the state (its concrete representative) was unnecessary in this context.

### ***THE CASE FROM RAJASTHAN***

The facts of Rajasthan case - State of Rajasthan Vs. Union of India, [7] are similarly fascinating. A unusual circumstance emerged in 1977 (after 19 months of the Emergency). One party was overwhelmingly voted to power in the country as a whole (through legislative elections). In nine states, another party was in power at same time. The Central Government considered that these states' governments should seek a new mandate from the population. The Home Minister conveyed this message to the state chief executives in a letter. The states petitioned the Supreme Court, assuming that letter would be followed by issue of a Presidential Proclamation under Article 356 of Constitution, and challenging constitutionality of such a Proclamation in light of facts of case. The Supreme Court ruled that it has jurisdiction to hear case. However, court ultimately determined that aforementioned Proclamation was legal [Note: the opinion also offers a lengthy explanation of limits of judicial review in reference to Presidential action under Article 356].

### ***PARTIES TO THE DISPUTE***

According to language of Article 131, dispute must be b/w Government of India & a State or States, or b/w 2 or more States. The text of Article 131 clauses (a), (b), & (c) demonstrates this. In Annexure, the nature of challenges in various Article 131 original proceedings pending before Supreme Court is mentioned.

### ***DENIAL OF LEGAL RIGHT***

Of fact, the government does not have to have a legal right to bring the issue to court. It is sufficient if it challenges opposing party's legal right (which must also be a government). [State of Rajasthan v. Union of India, 3 SCC 592, 634, 635 (Beg CJ), 637-642 (Chandrachud, J), 647-649 (Bhagwati & Gupta JJ); AIR 1977 SC 361],

### ***QUESTIONS EXCLUDED FROM THE JURISDICTION OF THE SUPREME COURT***

Certain topics are excluded from ambit of Article 131 by specific provisions or effects of the Constitution.

- (a) Either by specific provision, e.g. article 262; or
- (b) Implicitly (see articles 280 & 290); or
- (c) By judicial interpretation.

[State of Bihar Vs. Union of India, AIR 1970 SC 1446, 1449, 1452] (Matters with in advisory jurisdiction)

### ***VALIDITY OF CENTRAL LAWS***

When a dispute arises that is not b/w Federation and a State or b/w States, it is decided by competent civil court (including High Court). It should be emphasized that Constitution (42nd Amendment) Act of 1976 (which went into force on February 1, 1977) included Article 131A, which gave Supreme Court ultimate control over constitutional legality of Central laws. However, Section 4 of Constitution (43rd Amendment) Act of 1977 (effective 13-4-1978) repealed this clause.



### **VALIDITY OF LAWS AND LOWER COURTS**

Article 131 of Indian Constitution only applies to conflicts between governments. When a challenge about the legitimacy of a Central or State legislation occurs before a court (other than Supreme Court), the stance of the Government may be called into question.

Of obviously, the Indian Code of Civil Procedure requires that notice be given on either Attorney General (of India) or Attorney General (of State) in a civil proceeding when constitutional legitimacy of a legislation (or a statutory instrument) is at risk. In addition, if the court so rules, (concerned) administration may be made a party. However, court's jurisdiction is unaffected (if court is otherwise suitable). It should be noted that an issue concerning constitutional legality of a statute may arise, for example:

- (a) If law violates constitutional provisions as to fundamental rights, or
- (b) If law is beyond legislative competence of Centre or State (as case may be), as per scheme of distribution of legislative powers, or
- (c) If law is otherwise in conflict with Constitution.

### **QUESTION FOR CONSIDERATION**

The instances in (a) and (c) above do not always involve the federal government. However, only in a federation can the condition described in (b) above occur. What has to be looked at now is this. Is article 131 of the Indian Constitution applicable, denying authority to all other courts in the country (except the Supreme Court), if such an issue arises in a civil lawsuit (or, for that matter, any proceeding) in which (i) just one government (Central or State) is a party but the other is not, or (ii) the two governments are parties but there is also a non-governmental party?

### **SPIRIT OF THE CONSTITUTION**

So far as wording of Constitution is concerned, Article 131 is quiet on the topic. However, spirit of Constitution may require that Supreme Court's authority in such situations be exclusive. Such matters should not be decided by a court lower than the Supreme Court. In cases involving the allocation of legislative powers with pan-India implications, the Supreme Court should have sole control. For example, if an editor challenges a State law enforcing a tax on, say, copyright task, the decision (by a court other than the Supreme Court) upholding or denying the State law may have far-reaching consequences that extend far beyond the borders of the State in which the decision is rendered. Similar issues might occur in other states. The essential requirement in such cases is consistency of approach. Allowing the case to be decided by a lower court and then appealed to the Supreme Court (if necessary) would be a time-consuming and inconvenient process. During the interim time, there will very probably be significant miscommunication and ambiguity, resulting in significant pain.

### **SUGGESTION AS TO ARTICLE 131**

If a power-allocation dispute arises, & at least one of parties is a government, article 131 of Constitution must be fairly interpreted, & Supreme Court should be regarded as having exclusive jurisdiction. Accidents of litigation, whether between 2 governments or b/w the government & third parties, should not be considered decisive.

### **WOULD AN AMENDED ARTICLE 139A BE AN ANSWER**

It might be claimed that Supreme Court already has ability under Article 139A to withdraw cases before Supreme Court & one or more High Courts that involve the same or virtually same legal point. If article 139A is appropriately updated to eliminate the defined circumstances for use of authority to withdraw cases, it will provide a realistic remedy for cases pending in other courts when the Central Assembly's legislative competence is called

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into doubt. An issue would have ramifications for the wider problem of the division of legislative powers b/w Union & states. It is possible that a Central statute has only been challenged in one High Court due to a lack of legislative competence. The Constitution might be modified to allow matter to be withdrawn to the Supreme Court and resolved by the highest court.

**CONCLUSION**

The relationship between the center, the states, and the local levels is important to India's feeling of nationhood & is required for India's growth. It does, however, have a strong political undertone running through it. Every center-state & inter-state issue is, at its core, a political one. The core cause of problematic character of center-state interactions is this. A conflict of this nature gradually evolves into an economic one. Poor economics are always the result of poor politics. Economic stagnation and unbalanced regional growth will prevent complete integration and harmony in the federal system. Both federal and state governments must collaborate to maintain our nationhood via constructively cooperative federalism, which will require significant effort. The Indian polity possesses all of traits of a federal democracy, and the Gandhian ideal placed a great priority on regional autonomy. To label the need for homogeneity and autonomy as antinational is a conflation of ideologies and a shambles of political thought; indeed, it is a denial of sub-national rights for humans.

When linguistic states were requested in India, there was no anti-national fervor. On the other hand, it was a great nationalist who advocated for the formation of linguistic states. "Delhi Mughal" was at the heart of the central opposition to this desire. Poti Sriramalu's fast to death revealed that a people's right cannot be denied, and his martyrdom intensified the driving force of linguistic liberty. Is there a single nationalist today who regrets or opposes the establishment of Kerala and Karnataka, Andhra Pradesh, Tamil Nadu, Gujarat, and Maharashtra? Similarly, the other states were founded in acknowledgment of the force and passion that backed the legitimate demand of limited self-determination. Let me reiterate that autonomy within the framework of Indian sovereignty is not anti-national, but rather increases the country's brotherhood. The North-Eastern States are a part of India. However, there was opposition to their statehood. By rejecting statehood with considerable autonomy, political mistake and prejudice produced opponents and nurtured the roots of anti-Indian animosity.

## REFERENCES

1. Setalvad, Union and State Relations under the Indian Constitution (1974), Page 100.
2. Salmond, Jurisprudence 10th Ed, page 230
3. U.P. Vs. G. G. in Council, AIR 1939 FC 58,
4. State of Bihar Vs. Union of India, AIR 1970 SC 1446: (1970) 1 SCC 67, 69,70]
5. State of Bihar Vs. Union of India, AIR 1970 SC 1446: (1970) 1 SCC 67]. 5
6. AIR 1978 SC 68 para 53: (1977) 4 SCC 608].
7. AIR 1977 SC 1361; (1977) 3 SCC 592.
8. Art. 131.
9. Supra note 65.
10. The Centre set up a committee to draw a master plan for development of the Narmada valley.
11. Sec. VIII infra.
12. Art. 263. See note 190 infra.
13. AICC meeting on July 24, 1965.
14. Collector v. Day, 11 Wall. 113 (1871).
15. C or w in, He Constitution and &apos;What it means to-day, 23 (1946); Indian Motorcycle Co. v. U.S., 283 U.S. 570.
16. South Carolina v. U.S., 199 U.S. 437; Helvering v. Gerbardt, 304 U.S.405; New York v. U.S., 326 U.S. 572.
17. Arts. 285 and 289; J a i n op. cit. supra note 32, 289-296.
18. Arts. 256 and 257; supra sec. V.
19. Art. 298; note 95 supra.
20. AIR 1963 SC 1241.