

CENTRE-STATE RELATIONSHIPS FOR THE DEVELOPMENT OF FEDERALISM IN TERMS OF ROLE OF COMMISSIONS AND COMMITTEES

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ABSTRACT

Federalism is a kind of governance in which a country has a federal or central government (legislature and executive) as well as many state legislatures and governments. In contrast to a unitary state, both the federal and state governments get their powers from country's constitution, are supreme in their own sectors, & run directly on people. The main aim of this paper is to found that the role of commissions and committees on centre-state relationships for the development of federalism. The researcher found that the centre and the states should not be seen as opposing parties. Issues must be investigated in order to provide states additional financial authority. According to Chavan, "States are crucial arena where great dangers & opportunities exist, where ultimately all of Government's policies & programs would have to take shape & get translated into lives of people." The stability of state administration is just as crucial as the stability of federal government.

KEYWORD: *Commissions, Committees, Councils, Centre-state Relation, Federalism etc.*

INTRODUCTION

The name "Federalism" derives from Latin word "Foedus," which means treaty or covenant. A Federal-state is a group of free states that have come together by agreement. [1] According to this, a federation has historically signified a union of multiple states brought about via use of treaty or agreement. Of course, such a contract allows for the formation of numerous forms of unions, ranging from an international alliance to a unitary state. B/w these 2 extremes, a new federation & a confederation emerged. The character of union is determined by whether or not pre-existing nations are willing to cede their sovereignty. Of course, defining federation as a relationship between several separate sovereign organizations would be too limited. It is one of methods in which a federation may be founded [2]

The Federation of Nations is a system of government in which central & local governments are linked in a mutually dependent political leadership; in this system, a balance remains in place so that neither level of governance becomes dominant enough to dictate choices of other, but each can influence, negotiate, and persuade the other. This system is typically, but not always, tied to a constitutional framework that establishes a distinct legal existence for both central & regional administrations, ensuring that neither is legally subject to other. The responsibilities of authority will be distributed among these levels (exclusively, professionally, or cooperatively), initially through a legal document, but later through an electoral process, involving the judicial system where appropriate: in this process, the political dependence of 2 levels of government is critical in order to prevent one level from absorbing all efficient decision-making power. [3]

A federal polity has two levels of governance. It varies from a unitary system in that it has 2 sets of power repositories: national government & state governments. It is also unique from a union in that only the state government acts directly on the people in a confederation, whereas central

government works via state governments. In a federation, both central & regional authorities engage directly with the people.

Nowadays, it is general knowledge that no governing system can be entirely federal or unitary. Even in a federal polity, there are certain noticeable inclinations toward centralism, resulting in some governments being quasi-federal or unitary with federal elements in federal with subsidiary unitary traits, as K.C. believes in case of the Indian Federal System. [4]

Federalism is a form of administration in which political authority is distributed across many levels of government. These units are Centre, the state, and local governments such as Panchayats or municipalities. The Union is another name for the center. The Indian Constitution supports a federal system in a country with world's second biggest population & an unprecedented diversity of religious beliefs, languages, and languages. The initial federal design of 1950 was based on the Government of India Act of 1935 & was inspired by concept of centrally planned development.

There is a considerable distinction, however, between maintaining a colony and creating a federation to unite diverse people in the pursuit of social justice for everyone. Concerned that the new "idea of India" would fall apart, 1950 structure granted Union legislature & executive extensive powers to keep nation together, laying the groundwork for a level of the control for Union government, centered in New Delhi, that went far beyond necessary requirements of financial planning. The term 'Federalism' is a basic feature of Indian Constitution, which states that Union of India is everlasting & indestructible. Both Centre & States are autonomous collaborating & coordinating organizations with unique powers that must be exercised with mutual adjustment, respect, understanding, and tolerance. Federalism is characterized by tension & conflict b/w interests of the Center & various subdivisions. Both conflict avoidance & resolution are necessary.

As a result, Indian federalism with a strong central authority was established. Federalism with a strong central government was required because founders of the Indian Constitution were conscious of economic inequities, with certain parts of India lagging far behind others economically & industrially. The country was dedicated to a socioeconomic revolution not only to fulfill basic necessities of common man & to sustain country's economic unity, but also to effect a fundamental change in Indian society's structure in line with egalitarian ideals. For these reasons, Indian federation was designed with a strong Union in mind. [5]

REPORTS OF THE VARIOUS COMMISSIONS

Relations b/w Centre & States in the political, economic, financial, & administrative domains have been examined on a regular basis. The Administrative Reforms Commission & Sarkaria Commission were entrusted with analyzing all relationships b/w Centre & States & suggesting actions, including constitutional modifications, to simplify the interaction b/w Centre & States. While nation's government has agreed to & implemented many of Commission's proposals for administrative reform, the Inter-State Council (ISC) is evaluating the Commission's recommendations in order to establish an agreement on a number of problems. The Inter-State Council has made decisions on 91 of the 247 recommendations made by the Sarkaria Commission. These are All India Services guidelines.

Managerial Relations, Union Armed Forces Deployment, Agriculture, Forestry, Food, Civil Supplies, Mines and Minerals, Trade, Commerce, and Mass Media are only a few examples. The reactivation of the ISC has begun a new chapter in the relationship between the Centre and the States, as well as given a good platform for creating a shared national response to a number of challenges. [6]

COMMISSIONS

MEHER CHAND MAHAJAN COMMISSION

Following a plea from Maharashtra government on June 23, 1957, the Government of India formed Mahajan Committee to investigate the situation on June 5, 1960. The Committee's four members were two Bombay government employees and two Mysore state government employees. However, no agreement was reached. Maharashtra agreed to cede up Kannada majority villages to Mysore in exchange for the following considerations.

1. Villages as a unit
2. Geographical proximity/integrity
3. "Relative majority" of Marathi or Kannada speakers: villages with no inhabitants should be amalgamated with the state where landowners live.
4. People's wish

Senapati Bapat, a Maharashtra politician, went on hunger strike to demand that the government convene a panel to address the border dispute. On October 25, 1966, the Mahajan Commission was constituted by Government of India at request of Maharashtra. On November 9, 1967, Mumbai's Chief Minister, VP Naik, said publicly that the Mahajan Commission's suggestions will be implemented regardless of outcome. The commission was headed over by Meher Chand Mahajan, third Chief Justice of Supreme Court of India. After evaluating Maharashtra's claims, panel proposed exchanging various villages in Belgaum district b/w 2 states, but rejected Maharashtra's claim to Belgaum city.

The Mahajan Commission received 2240 memos, interviewed 7572 persons, & issued its report. Apart from Belgaum, Maharashtra has requested 814 villages. Nippani, Khanapur, and Nandgad were among the 262 villages assigned to it. Mysore State claimed 516 villages, 260 of which were Kannada-speaking, according to Maharashtra. It received 247 villages, including the claim to Solapur. Excerpts from Mahajan committee's findings on Maharashtra's rejection of the claim to Belgaum

"The state of Maharashtra's claim to Belgaum is relatively young. Despite the fact that the amendment was introduced in Parliament, Maharashtra MPs, notably those on the treasury benches, voted in favor of it. Belgaum is a diverse city. When the AICC met in Belgaum in 1920, not a single Maharashtra leader, including N C Kelkar, advocated for its incorporation into the state. Belgaum is surrounded by Kannada areas on 3 sides & a sprinkling of Maharashtra villages on fourth. It will be incredibly tough to reorganize. The status quo should be maintained. According to city of Belgaum's land records, Kannadigas own the majority of the land. "After considering the entire material and critically evaluating it, I have concluded that I cannot endorse Belgaum city's inclusion in state of Maharashtra." The following are summary of Mahajan committee report

1. Belgaum to continue in Karnataka.
2. Around 247villages/places including Jatta, Akkalakote, Sholapur to be part of Karnataka.
3. Around 264 villages/places including Nandagad, Nippani Khanapur to be part of Maharashtra.
4. Kasaragod (of Kerala) to be part of Karnataka.

The Maharashtra and Kerala governments rejected suggestions made by report & urged a re-examination of the situation. Because "formula" employed in Kasaragod was not applied in Belgaum, the Maharashtra government condemned findings as biased and self-contradictory. According to the Maharashtra government, report goes against "wish of people" of Belgaum. Kerala, on other hand, refused to hand up control of Kasaragod to Karnataka. The Karnataka government fought for report's implementation or status quo.

PUNCHHI COMMISSION

It is the second center-state relations committee. The Commission is chaired by former Chief Justice of India Justice Radhika Mohan Punchhi. Members of the Commission include Shri. Dharendra Singh (Former the Secretary to the Ministry of External Affairs of Republic of India), Shri. Vinod Kumar Duggal (Former Secretary to Ministry of External Affairs of India), Prof. (Dr.) N.R. Madhava, the Menon (Former Director, National Judicial Academies, Bhopal, & National Law School of India, Bangalore), & Dr. Amaresh Bagchi (Emeritus Professor, National Institute of Public Finance alongside Policy, New Delhi)

In the mid-1980s, the Sarkaria Commission conducted a comprehensive examination of Centre-State Relations. Both polity & the economy have experienced substantial changes over last two decades, offering new difficulties for government at all levels and necessitating a rethinking of the respective functions & responsibilities of each level & their interrelationships. The current Commission has been tasked with this responsibility & has been requested to submit suggestions to assist solve the impending difficulties.

The terms of Reference of Commission will be as follows;

1. The Committee will investigate and review the current functioning of the Union-State relationship under the Indian Constitution, as well as the healthy examples that have been set and various Court statements in regard to powers, functions, & duties in all spheres, including legislative relations, executive relations, the role of directors, crisis rules, financial interactions, economic & social planning, Panchayat Raj organizations, and the transfer of resources.
2. The panel will consider economic and social changes that have happened over the years, especially in past two decades, as well as scheme and system of Constitution in examining operation of current agreements b/w Union and the States while offering suggestions for shifts & measures. These suggestions would also need to deal with the increasing difficulties of ensuring sound governance to advance people's welfare while bolstering the country's unity and honesty, as well as seizing emerging potential for sustained and rapid revenue growth in early decades of 21st century in order to alleviate both poverty and inequality.
3. The Commission shall pay special attention to, but not restrict its mandate to, the following when investigating and providing recommendations on the foregoing.
 - (a) During substantial & prolonged outbreaks of communal violence, caste violence, or any other social disagreement that leads to prolonged & rising violence, Centre's involvement, obligation, and authority in regard to the states.
 - (b) The Centre's function, obligation, and authority in regard to the States in the design and implementation of megaprojects such as river interlinking, which would normally take 15-20 years to finish and that rely substantially on state aid.
 - (c) The Centre's role, obligation, and jurisdiction in promoting and enforcing the devolution of rights & authority to Panchayati Raj organizations & Local Bodies, including Autonomy Bodies, under 6th Schedule of Indian Constitution within a certain time frame.
 - (d) In connection to states, the role, obligation, and power of the Centre is to encourage concept & practice of independent budgeting & planning at the District level.
 - (e) The Centre's involvement, accountability, and jurisdiction in respect to the States in linking various forms of Central Assistance with state performance.
 - (f) The responsibility, accountability, & authority of Centre in establishing procedures & policies based on positive discrimination in favor of developing nations.

- (g) The impact of eighth through twelfth Finance Commissions' recommendations on fiscal connections b/w Centre & states, notably the states' greater reliance on money devolved from the Centre.
- (h) Following implementation of Value Added Tax regime, there is a need for and significance of distinct taxes on production & sale of products & services.
 1. The necessity to liberalize inter-state commerce in order to create a unified and integrated domestic market, as well as unwillingness of state governments to implement the applicable Sarkaria Commission's proposals in Chapter XVIII of its report.
 2. The establishment of a Central Law Enforcement Agency with the authority to investigate offenses with inter-state and/or international consequences with major implications for national security.
- (a) The feasibility of drafting supporting legislation under Article 355 to enable for unilateral deployment of Central troops in States if & when necessary.

THE FIRST ADMINISTRATIVE REFORMS COMMITTEE, 1966

The Government of India constituted the first Reform of Administration Committee on 5 January 1966 to study India's government structure and suggest steps to make administration fit for carrying out government's social & economic programs while also being responsive to the people. Morarji R Desai, MP, chaired the Commission at first, and then K.Hanumanthaiah, MP, after Morarji R Desai became India's Deputy Prime Minister.

Until mid-1970s, the Commission delivered its reports in twenty sections, each containing 537 key recommendations. The Commission's 13th report addressed concerns of Centre-State relations. The Commission issued following suggestions about the Inter-State Council.

- (a) Establishment of an Inter-State Council in line with Articles 263(b) and (c) of the Constitution to evaluate any national issues in which states are involved.
- (b) Assigning Council obligations under article 263 (a) to investigate & advise on interstate disputes would prevent it from fully considering the varied national issues that it should address.
- (c) This organization should replace the National Development Council, Chief Ministers' Conference, Finance Ministry' Conference, Food Directors' Gathering, and National Integration Council.
- (d) The Council will be broad in scope & will serve as a permanent mechanism for facilitating dialogues b/w center & states. Only matters of genuine & national relevance should be discussed there. Others should be resolved through conferences organized by relevant ministries at a lower, ideally official, level.
- (e) A functional secretariat is required for the Council. The Council Secretary should be an official with the required competence, experience, and position to carry out his duties effectively.

The abstract of major reports of ARC are reproduced here

1. The Machinery of Government:

- (a) Administrative needs should decide size of council of ministers, and national aggregation of themes into ministry portfolio should be promoted.
- (b) The Cabinet Secretary should serve as the prime minister's general coordinator and primary staff adviser to the ministerial and cabinet committees.
- (c) A personnel department should be established under prime minister, with its tasks including design of personnel policies & the assessment of their execution, talent acquisition, personnel manpower planning, training, & professional growth.

- (d) Below the minister's desk, there should be just two tiers of consideration, namely,
 2. Under secretary/deputy secretary, &
 3. Joint secretary/additional secretary/secretary with a 'desk-officer' system.
 4. Overall coordination within a ministry should be allocated to one of departments/secretaries designated for this purpose.
 5. The department of administrative reforms should be placed under deputy prime minister.
 6. The existing O and M units should be reactivated.

2. Centre-states Relationships

- i. Under Article 263 of Constitution, an inter-state council comprised of prime minister, who serves as chairman, minister of finance, home minister, leader of main opposition in Lok Sabha, & 5 delegates, one from each of 5 zonal councils, to fulfill tasks.
- ii. The Finance Commission should offer recommendations on principles that should govern how plan grants are distributed to states.
- iii. Powers should be given to the states to the greatest degree possible in relation to their work on initiatives in which the Centre is engaged or which they carry out.

3. Personnel Administration:

- i. There should be a consistent grading mechanism for whole civil service to allow officials to shift from one field to another based on necessity or skill.
- ii. Lower-level government employees should be given more opportunity to advance as quickly as their competence and performance permit.
- iii. Posts should be organized into regularly structured services wherever members concerned in a given function are viable.
- iv. To properly assess civil employees' merit, present system of secret reports is being replaced with performance reports (which Manmohan Singh government has accepted with substantial adjustments).
- v. Strikes by public employees should be prohibited, and grievances should be addressed through a combined dialogue process and administrative tribunals.
- vi. Improvements should be made to recruitment policies & procedures, as well as the elimination of unnecessary & ineffective organizations, the establishment of work norms, the simplification & codification of rules, the rationalization of holidays, & the strict limitation of overtime work & transfers.
- vii. For the IAS, a functional field must be defined.
- viii. Create a central training section inside the personnel department.
- ix. Both husband and wife should not work for the government at the same time.
- x. After 5 years of service, a civil worker may be permitted to resign freely and receive a proportional pension and gratuity.
- xi. The pensionable amount might be increased to three-sixths of the average emoluments of the previous three years, up from three-eighths now.

4. Finance, Accounts and Audit:

- i. The fiscal year should begin on November 1 to allow for a more fair evaluation of revenue and an equitable distribution of spending.
- ii. Departments and groups should employ performance budgeting, which links financial outlays to physical goals and successes while also providing estimates and expenses for functions, programs, activities, and projects.
- iii. To witness changes in organizational efficiency and the efficacy of financial rules and processes, audit should take a positive and constructive attitude.

- iv. The Commission did not address the issue of audit and accounting separation.
- v. Internal financial counseling should be reinforced in order to create financial competence inside each ministry unit.

RAJAMANNAR COMMISSION [7]

Disappointed with the constitution, the Tamil Nadu government established the Rajamannar Senate Committee in 1969 to "examine entire question with regard to connection between centre and states in the federal set up, in relation to clauses in the laws of India, and to suggest suitable amendments to constitution so as to secure to the states the utmost independence."

Certain features of Indian constitution were challenged by the committee in its 1971 report because they could not be reconciled.

The Committee concluded that the center's power "does not reduce states of state to administrative-units in a unified government, as it did in days of British rule."

The committee proposed several changes to the constitutional articles governing the division of legislative and taxation powers, emergency powers, and so on. The Rajamannar Committee's ideas suffer from an exaggerated exaggeration of the rationale for autonomy for states.

These ideas drew little popular support and were not accepted by any state administration or All India political party, and the study was rendered obsolete. The Tamil Nadu government created the Rajmanner Commission to investigate this issue in 1969, & it delivered its findings in 1971. It advocated a revision of VII schedule as well as residuary authority for states. The following are some of its other key suggestions.

- Establishment of an Inter-State Council as soon as possible Finance commission to be established a permanent body
- Articles 356, 357, & 365, which dealt with President's rule, were repealed.
- All-India Services (IAS, IPS, & IFS) are being phased down.
- Planning Commission to be replaced by a statutory body
- The Central government completely ignored its recommendations.

ANANDPUR SAHIB RESOLUTION, 1973

In 1978, Akali Dal passed a disputed resolution known as Anandpur Sahib Resolution. It advocated for greater state autonomy, suggesting that Centre's jurisdiction be confined to military, foreign affairs, interactions, railroads, and money. It also wanted the government to have residuary powers. As regional parties became more strong in the 1980s, they formed a demand for State autonomy. Their 'conclaves' in Vijaywada, Delhi, & Srinagar strengthened demand for rethinking Centre-State ties. The Central Government did not embrace these proposals either.

In 1973, Akali Dal passed the Anandpur Sahib resolution, which advocated that center's authority be limited to only defense, foreign affairs, communications, & money, and that states be given residuary powers. It also demanded that the states have equal jurisdiction and representation at the Centre.

The West Bengal Communist administration issued the West Bengal statement in December 1977, which made the following suggestions:

- The term 'union' should be replaced in law by word 'federal.'
- The center's authority will be limited to defense, foreign affairs, interactions, and economic cooperation.
- Deletion of articles 356, 357 & 360.
- Rajya Sabha to have equal powers with that of Lok Sabha
- Abolition of All-India services
- 75 per cent of revenue raised by centre should be allocated to states

NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION (NCRWC)

The Secretary of Legal Affairs, Ministry of Law, Justice, and Corporate Affairs, issued an executive decision on February 22, 2000, establishing the National Commission to Review the Constitution's Workings. The commission (NCRWC) was headed over by Justice M.N. Venkatachaliah, a retired Chief Justice of the Supreme Court of India and a former Chairman of the National Human Rights Commission. The Commission of Inquiry was set up with the goal of studying, in light of fifty years of expertise, how best the Indian constitution can respond to the evolving needs of modern India's efficient, simple, and effective system of leadership and economic growth within the context of Parliament the rule of law, and to suggest changes, if any, in that provision of the constitution without first tampering with its basic structure or features. [8]

The Commission proposed that Article 263 establish a method for resolving issues by collective thought, persuasion, & discussion through a high-level coordinating body, the Inter-State Council. Article 263 has risen in importance as a result of the ongoing confrontation between the Union and the states. The Council should be given responsibility of.

- (a) Inquiring into & advising on potential issues b/w the states.
- (b) Investigating & debating issues of mutual relevance to some or all of states.
- (c) Making suggestions on any such issue, particularly recommendations for improved policy & action cooperation on that subject.

The Commission considers that article 263 has enormous potential, which has yet to be completely realized in resolving different challenges involving more than one state. Recently, it has been noted that when Union Government enters into a treaty touching an issue on State List that is extremely important to interests of states, no previous consultation is undertaken with them. The Inter-State Council forum might be highly useful for discussing policy issues affecting more than one state and reaching a quick resolution.

While endorsing conclusions and recommendations of Commission on Centre-State Relations (Sarkaria Commission), the Commission proposes that the Union & the States use the Inter-State Council platform more effectively in resolving conflicts & integrating policy & action.

This will be in keeping with spirit of Cooperative Federalism, which requires appropriate understanding & mutual trust, as well as the prompt settlement of problems of common interest. It may be useful in this context to discuss the origins of the comparable clause [9] in Government of India Act, 1935. According to Joint Parliamentary Commission [10]

"It seems obvious that if departments or organizations working together or research are to be able to rely on public funds enough to carry on their work, Preliminary Authority' joint interests in such must be conveyed in some regular recognised apparatus of inter-governmental consultation."

Furthermore, we believe that establishing such apparatus at commencement of new Constitution's operation will be critical. Because it is precisely at that point that an institution of this sort risks slipping b/w 2 stools by failing to enlist active interests of either Federal or Provisional Governments, both of which will be preoccupied with far more pressing matters."

The premise in penultimate sentence of the report about 'Vital relevance' of establishing such institutions from commencement of the Constitution's operation appears to have been misapplied.

- The National Commission to Review Workings of Constitution (NCRWC) issued suggestions as well, many of which were reiterations of those given by the Sarkaria Commission. The following are some book recommendations.

- As specified in Article 307, a legislative organization known as Inter-State Trade & Commerce Commission should be constituted.
- A committee comprised of the Prime Minister, Home Minister, Speaker of the Lok Sabha, and the Chief Minister of the state in question should nominate the Governor.
- Disaster and emergency management should be placed on Concurrent List of Seventh Schedule.
- In the event of a state's political collapse, state should be given a chance to clarify its position & correct the problem before invoking Article 356.
- The Inter-State Council order of 1990 should explicitly outline topics to be discussed during discussions.

SARKARIA-COMMISSION [11]

The Central Government established Sarkaria Commission to suggest reforms to the Centre-State relationship in response to the movement for state autonomy. In 1988, the Commission issued its report. The original authors of Indian Constitution were genuinely worried about country's unity & integrity. They were aware of the chaos and divisiveness that existed within the country. These threats could only be dealt with by a strong central government at the moment of independence. As a result, the authors of the Constitution gave the Centre a significant position. They also provided provisions for formation of cooperative federalism.

The operation of Indian federation over last 5 decades demonstrates unequivocally that relationships between the Centre and the States have not always been friendly. The Government of India established Administrative Reforms Commission and a number of other Commissions to monitor Centre-State interactions on a regular basis. The Union Government established Sarkaria Commission to provide approaches & methods for improving Centre-State relations. The Sarkaria Commission was founded in 1983 in response to a plea for greater autonomy, with the goal of examining and reviewing present arrangements b/w Centres & States in all disciplines, & advocating relevant reforms & remedies.

An unique circumstance, necessity to oppose Indira Gandhi's emergency administration, drew them together. With restoration of Congress party under Indira Gandhi's leadership with a solid majority, state autonomy movements faded into the background. There is now no push for state autonomy, despite the fact that the battle for increased financial resources for state continues. In 1990s, there was a noticeable shift in the alignment of forces engaged in Indian politics.

In 1983, the central government formed the Sarkaria Commission, led by retired Supreme Court Justice R.S. Sarkaria, in response to an overwhelming demand for a review of central state ties. The panel's investigative period was restricted since commission was expected to guarantee that its recommendations complied with constitutional standards that ensured the nation's autonomy, unity, and integrity. The group issued its report in 1988.

It has rejected call to limit powers of the center, stating that a strong center is required to maintain country's unity and integrity. According to commission, there is no need for major revisions to the constitution's existing provisions. In its opinion, the core provisions of the constitution have fared rather well in withstanding pressures & strains of a diverse society in throes of change.

It is widely acknowledged that the Tribunals designed to handle inter-State disputes produce lengthy decisions/awards. The Sarkaria Commission was made aware of the circumstances. This was suggested by Sarkaria Commission in Chapter XVII of their report on Inter-State River Water Disputes.

- When a State makes an application under Section 3 of Inter-State River Water Disputes Act (33 of 1956), Union Government is obligated to create a Tribunal within one year of date application is received by any disputant State. The Inter-State River Water Disputes Act may be amended to reflect this.
- The Inter-State Water Disputes Act should be changed to allow Union Government to form a Tribunal on its own initiative if such a dispute occurs.
- A national data bank and information system, with appropriate machinery in place, should be formed as soon as practicable. The Inter-State Water Disputes Act should also contain a provision forcing states to furnish relevant data, for which Tribunal might be given court-like powers.
- The Inter-State Water Disputes Act should be amended so that Tribunal awards become effective within five years of their creation. If a Tribunal considers that 5-year period should be extended for whatever reason, Union Government may do so on the Tribunal's advice.
- To ensure that a Tribunal's judgment is truly binding, Inter-State Water Disputes Act of 1956 should be amended to give it same power and sanction as a Supreme Court verdict or decree.

CHIEF MINISTERS' CONFERENCE

In many respects, the Union and the States are interdependent. The resulting unity must have force of consent, not of law. This necessitates collaboration & coordination based on policies developed after thorough discussions in which nation as a whole, represented by Central & State governments, takes part. Coordination can only be effective if it is founded on widely accepted policies that need engagement with states. The Rajya Sabha, despite being made up of people elected by the legislatures of states, is not a proper platform for expressing the views of state governments, & Centre-State consultation really implies dialogue b/w Centre & state governments.

Furthermore, hammering out administrative policies that fall under the purview of the Executive cannot be one of the legislative body's tasks. With this goal in mind, Administrative Reforms Committee proposed formation of an Inter-State Council comprised of all Chief Ministers. If it was decided not to form such a Council, Chief Ministers' Conference venue may be utilised, according to the Study Team on Centre-State Relationship. [12] The second option, Chief Ministers' Conference, has been deemed more prudent & effective. The Prime Minister convenes Chief Ministers' Conference on occasion to discuss issue.

The political landscape of India shifted following the 1967 elections. Different state governments were formed, each led by a different ideological party. As a result of these new developments, ties between the states and the center grew complicated. Under March 1967, Kerala Chief Minister E.M.S. Namboodripad stated that given the current Indian context, it is vital that Congress Administration at Centre & non-Congress administrations in States work together in a "spirit of co-existence." [13]

Indira Gandhi convened a Chief Ministers' Conference, saying, "The Centre & States were partners, and no new problem had arisen simply because of existence of Government of different political persuasions at Centre and in the States." [14]

The first clash between the two power structures took place in April 1967, at a Chief Ministers' Conference convened by then-Finance Minister Morarji Desai. The Chief Ministers criticised New Delhi for restricting the Reserve Bank of India's overdrafts to states, as well as the Centre's unwillingness to provide more cash to states for development initiatives and the payment of Dearness Allowance to their employees. C.N. Annadurai, the Chief Minister of Madras, desired

the residuary powers granted to the Centre by the Indian Constitution to be allocated to the states. [15]

The Sarkaria Commission argued for establishment of a permanent Inter-State Council to carry out the tasks provided in Indian Constitution Articles 263 (b) and (c). In April 1990, a Council of six Union Cabinet Ministers & state Chief Ministers was constituted. [16] Though the President has the ability to designate the nature of the Council's activities, the Constitution specifies the three sorts of obligations that this body may be assigned. One of them is " duty of investigating & advising on any disputes that may have arisen b/w States."

The President's authority to summon the Inter-State Council may be utilized to investigate and discuss issues in which some or all of the States or the Union and one or more of the States have a common interest. In order to exercise this jurisdiction, the President had already established the Central Council of Gesundheit, Central Council of Local Self-Government, Transport Reform Council, the Central Organization of Indian Medical Sciences, and Central Council of the practice of homeopathy [17]

RECOMMENDATIONS TO STRENGTHEN AND EMPOWER THE INTER-STATE COUNCIL

Concerning establishment of a forum for the coordination of intergovernmental relations, this Commission believes that Inter-State Council (ISC) should be significantly enhanced & active as primary participant in international relations. It must convene at least three times a year on an agenda developed in agreement with the states. If a decision by agreement is not possible in Inter-State Council, a decision by majority may be adopted on topics of national interest. The Inter-State Council must be given the authority to monitor execution of its decisions, for which suitable statutory requirements must be enacted.

The government would be wise to devise an adequate program to fully maximize the ISC's potential in harmonizing Centre-State relations, which has become critical in changing conditions. Governance issues must be resolved as much as feasible through political & administrative processes rather than being referred to the Court for lengthy adjudication. The Council has not been charged with function envisioned in clause (a) of Article 263 of Constitution, namely, investigating & advising on potential conflicts b/w states, as proposed by Sarkaria Board.

The Administrative Reforms Commission (2008) recently proposed that the ISC's dispute resolution role, as envisioned in Article 263(a) of the Constitution of the United States, be successfully used to find solutions to conflicts between states or b/w all or part of states & union. It went on to say that the makeup of the Inter-State Council might be changed to meet demands of subject brought before it under Article 263. The Supreme Court also urged for the Council to have an adjudication function in some sorts of Union-state disputes. When a consensus is necessary, the ISC is able to negotiate a more agreeable resolution of issue among constitution's bodies.

Besides to full range of operational autonomy provided by Article 263, Council should have useful autonomy with a qualified Secretariat comprised of experts in the appropriate fields, with expertise backed up by Central and State agencies on leave for restricted periods. The Secretary of the Inter-State Council will be appointed as the Department of States' ex-officio Secretary, reporting directly to the Union Home Minister, who will also be the Council's ex-officio Deputy Chairman. Given the Council's legislative and quasi-judicial responsibilities, professionals in law, leadership, and political science should be included in its hierarchical organization, as opposed to the All India Services. The proposed law should give Inter-State Council a distinct organizational & administrative structure from that of agencies of the government, as well as the flexibility to handle

management approaches requiring interrelated talents that are constitutionally compatible with federal governance.

Federalism is a living religion that must be sustained by institutional institutions that allow cooperation & coordination among Units & b/w Units & Unions. Cooperative federalism is widely supported, but it is difficult to put into effect without proper engagement at all levels of government. The Constitution provides very minimal institutional provisions for this purpose, which are sadly underutilized. In this context, the Commission strongly proposes that Inter-State Council be strengthened & mainstreamed in order to make it a lively platform for all duties foreseen in clauses (a) and (c) of Article 263.

Though article does not provide the Council a dispute-resolution function, it does envision Council investigating and advising on issues between states in order to settle challenged claims. The Commission believes that Council should be endowed with powers & functions proposed in article 263 (a), since this would increase Council's capabilities. If and when necessary, the Council may appoint expert advisory groups or Administrative Tribunals with quasi judicial jurisdiction to make recommendations to it.

The Commission thinks that if Council is staffed by technical & managerial professionals and given autonomy required to function as a constitutional body independent of Union & States, it may be an extraordinarily effective vehicle for finding agreement and resolving issues. It should have the resources & authority to carry out its responsibilities effectively, as well as the ability to include civil society in addition to the government and other public institutions.

NATIONAL DEVELOPMENT COUNCIL

The Planning Commission was established as an extra-constitutional and non-statutory body tasked with developing an integrated Five-Year Plan for economic and social development and advising the Union Government. One opponent, however, referred to it as "the Economic Cabinet of the country as a whole," with the Prime Minister misusing the powers of a legislative body, the Finance Commissioners, while staying accountable to Parliament. [18]

According to some detractors, Planning Commission is one of federal institutions that encroaches on the sovereignty of states. The efforts of the Planning Commission culminated in the establishment of another extra-constitutional & extra-legal institution, National Development Council. The Planning Commission formed the Council in 1952 as an auxiliary to help governments in creating plans. The Council's functions include "strengthening and mobilizing the country's efforts and resources in support of Plans, promoting common economic policies in all vital spheres, & ensuring balanced & rapid growth within all parts of country," as well as "reviewing the working of the National Plan from time to time and recommending measures for ensuring achievement of aims & targets set out in the National Plan." [19]

Chief Ministers exercise authority through this venue. The National Development Council formed a Standing Committee in 1954, consisting of members of Commission on Planning & Chief Ministers of nine states. It was also decided that one or more of the remaining nations' chief ministers would be invited to Committee meetings. [20] Chief Ministers have been particularly effective in pressuring the Central Government for increased funds and, in particular, for the growth of public-sector firms and the issuance of licenses for private-sector activities. [21]

The National Development Council convened in New Delhi on November 4 and 5, 1962, to assess the seriousness of situation produced by Chinese War & the resignation of Defence Minister V.K. Krishna Menon. The summit was attended by the Chief Ministers of practically every state. Nehru summoned a few Chief Ministers to address boundary dispute with China. K. Kamaraj of

Madras, N. Sanjiva Reddy of Andhra Pradesh, Pratap Singh Kairon of Punjab, Biju Patnaik of Orissa, and Chavan of Maharashtra visited Nehru at Prime Minister's Office on November 4. The high-level conversation lasted until late at night.

The meeting's general consensus was that whatever decision the Prime Minister made, the Chief Minister would back him up. Since the middle of 1967, all members of the Union Cabinet, as well as Chief Ministers of States, governors of Union Territories, as well as members of the Commission for Planning have been appointed members of this Council. [22]

CONCLUSIONS

The Centre and the States should not be seen as opposing parties. Issues must be investigated in order to provide states additional financial authority. According to Chavan, "States are crucial arena where great dangers & opportunities exist, where ultimately all of Government's policies & programs would have to take shape & get translated into lives of people." The stability of state administration is just as crucial as the stability of federal government. The future of India will be defined not only by Delhi's vision, but also by those states." States should have the ability to negotiate loans, grants, and other types of development support. Administrative powers sufficient to foster state growth and development would surely be appreciated. Certain serious constitutional modifications would be required to attain this aim. Former Prime Minister Morarji Desai was accurate when he said that states needed to be strong. The Centre will then be self-sufficient.

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