

Center State Relations: Areas of Tension

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Abstract

India constitution has special feature such as federal system with unitary features. The Constitution of India settled for nomenclature union of states to define the structure of political organization and power arrangements in independent India. The constitutional arrangement was clearly inclined toward strong Centre. Some constitutional experts and political commentators describes India as a 'quasi-federal' or 'semi federal' state. The constitution enabled the Centre to by law admit a new state, increase or reduce the area of any state or change the boundaries of name of any state regardless of the views of the state in article 2 and 3. Due to strong position of Centre and states were repeatedly at longer head on a number of issues including national security, creation of new states, economic policies and even foreign policy matters. This paper is related to access the major tension areas of Centre state relations and also provide a number of recommendations to improve their relations.

Keywords

Centre, state, constitution, tension, relation, demands, Article

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Federal structure with a strong Centre has been at work in India for more than five decades over the years. It has not been successful in developing into a system of Co-operative Federalism. The union government has quite often tried to assure its superior position and role. At times, the party in power at the Centre has tried to use the system for its Partisan ends particularly vis-à-vis the states which happened to be governed by another party or parties. The states have also at times acted more jealously for securing their regional interests. They particularly those in which regional parties have been at times, in Power have been constantly demanding more rights and Powers for the states. The demand for state autonomy has been consistently present in this Indian Federal system. The Rajamannar Committee (1971), the Anandpur Sahib Resolution of the Shiromani Akali Dal (1973) and the memorandum of the West Bengal Committee Govt. (1977) advocated the need for the decentralization of Powers involving the transfer of financial resources and subjects from Union to the States. In their election manifestoes many Political parties particularly regional Political Parties like the Shiromani Akali Dal, D.M.K. and the other have always given place to the demand for more Power and autonomy to the states of the union. The four Party Federal Front consisting of the TDP, DMK, AGP and TMC is a strong votary of this view so is the case of the Shiromani Akali Dal. The difference in the perceptions of the union Govt. and the centrists on the one hand and the state govt. and the autonomy supporters on the other hand has at times, made the environment of the Indian Federal system conflictual, characterized by several tensions area and issues in dispute. The major tensions areas or issue in dispute between the Union and the States can be briefly discussed as under: -

Tension Areas in Centre State Relations

The issues which created tensions and conflicts between centre and states are: -

1. Mode of appointment and dismissal of governors.
2. Imposition of President's Rule for partisan interest.
3. Discriminatory and partisan role of Governors
4. Deployment of Central forces in the State to maintain law and order
5. Reservation of State bills for the consideration of the President
6. Discrimination in the financial allocation to the States
7. Role of planning commission in approving State projects

8. Management of All-India Services (I.A.S., IPS and IFS)
9. Use of electronic Media for political purpose
10. Appointment of enquiry commission against the Chief Minister
11. Sharing of finances between Centre and States
12. Encroachment by the Centre on State list

The Issues in Centre State relation have been under consideration since the mid 1960's. In this direction, the following measures have taken place: -

Administrative Reforms Commission in 1966 under the chairmanship of Morarji Desai

Rajamannar committee in 1969 under the chairmanship of Dr.P. Vrajamannar
Anandpur Sahib Resolution in 1973

West Bengal Memorandum in 1977

The most important commission that was Sarkaria Commission in 1983 under the chairmanship of R.S Sarkaria and three member commission was set up to examine to review the working of existing arrangement between the Centre and States in all spheres recommend appropriate change and measures' commission submitted its final report in October 1987 and it was officially released in January 1988 .The commission made 247 recommendations to improve Centre State relations .From of all some of important recommendation are as below:-

1. A permanent inter -state council called the inter government council should set up under Article 263.
- 2 Article 356 related to President Rule should be used very sparingly in extreme cases a last resort when all the available alternatives fails.
3. The Institution of All-India Services should be further strengthened and some more such services should be created.
4. The residuary powers of taxation should continue to remain with the parliament, while the other residuary powers should be placed in the concurrent list.
5. When the President withholds his assent to the State bills, the reasons should be communicated to the State government.
6. The National Development council should be renamed and reconstituted as National Economic and Development council.
7. The Zonal councils should be constituted afresh and reactivated to promote the spirit of federalism.

8. The Centre should have power to deploy its armed forces, even without the consent of States. However, it is desirable that the States be consulted.
9. The Centre should consult the States before making a law on a subject of the concurrent list.
10. The procedure of consulting the Chief Minister in the appointment of the State Governor should be consulted itself.
11. The net proceeds of the corporation tax may be made permissibly shareable with the States.
12. The Governor's cannot dismiss the council of Ministers so long as it commands a majority in the assembly.
13. The Governor's term of five years in a State should not be disturbed except for some extremely compelling reasons.
14. No commission of enquiry should be set up against a State Minister unless a demand is made by parliament.
15. The surcharge on income tax should not be levied by the Centre except for a special purpose and for a strictly limited period.
16. The present division of functions between the finance commission and the planning commission is reasonable and should continue.
17. Steps should be taken to uniformly implement the three languages in its true spirit.
18. No Autonomy for radio and television but decentralisation in their operations.
19. No change in the role of Rajya Sabha and Centre's power to reorganise the States.
20. The Commissioner for linguistic minorities should be activated.

The Centre government has implemented 180 out of 247 recommendations of the Sarkaria Commission from which the most important is the establishment of the inter State council in 1990.

There are numbers of issues which creates tension between Centre and States relations some of them are as blow: -

Schemes of Distribution of Powers

In the constitution 97 items are placed in the union list, while 67 are in the state list and 47 in concurrent list. There have been some additions and deletions. As a result of which the union list now has 99 subjects in state list 02 and concurrent list

52 but the serial number has not been disturbed (as the additions have been made by editing (a), (b) and (c) clauses). Qualitatively also, the union list is more impressive. In the concurrent list the Centre has been given precedent. Moreover, the Centre can legislate on items in the state list in the national interest (Art. 249 or to give effect to international agreements Art.250). Moreover, the constitution shows a bias in favour of Centre in the Administrative and financial field. According to article 256, the Centre can give direction to the states in order to ensure compliance with the law of Parliament. According to Article 257 (1) the Centre can give directions to the states for ensuring compliance with the executive Power of the Union Govt. Article 257(2) empowers the central govt. to issue directions to the states for the construction and maintenance of means of communication of national and military importance and Article 257(3) authorizes the Centre to issue directions to the states for the Protection of railways within their territory.

In the financial field also, the picture is not more different. Most of the elastic sources or revenue is in the hands of the Centre while the welfare activities of the states have increased many times. Hence the states want to have a greater share in the national purse and have demanded a share in the Corporation tax and income tax levied on companies. Moreover, they have demanded that the surcharge on Income Tax which has been collected so far should be merged with the basic rates in order to enable them to get a share in it. But these demands of the states cannot be accepted as it is essential that the Centre should have an exclusive share on the corporation tax in view of its growing responsibilities and surcharge is a kind of temporary levy necessitated by financial difficulties. But this does not mean that the grievances of the states are not genuine on fact in the financial field and states have raised the following issues: -

- (i) The financial resources allotted to the states are not adequate for effectively carrying out the state functions. Therefore, they want a re-allocation of financial arrangement between the Centre and states. In order to shoulder the resources of the state which is urgently required to shoulder their increasing social responsibilities.
- (ii) The burden of the accumulated loans has become heavy and unbearable and therefore they should be written off as the borrowing was the result of the inequitable division of financial resources between the Union and the States.

Centralized Planning

The impact of planning in order to affect a Socio-economic revolution has

been to enhance the Power and authority of the Central Govt. The constitution has been deliberately twisted so that it may fit in the scheme of centralized Planning. Thus, planning leading to the financial dependence of the states on the Union Govt. is another tension area. The Planning Commission is a central institution in which about 50% of membership is drawn from the Union Cabinet. Amar Ray has called it, "Virtually on adjunct to the Union Government". It has also been alleged to behave like Super cabinet.

As most of the subjects of Planning being to the state list, the Centre has no direct responsibility for them. But it is able to control them due to the fact that it gives out huge financial assistance to the states in the form of discretionary grants and loans for implementing varied schemes and projects concerning this list. Although the fathers of the constitution relied more on shares taxes. Particularly income tax than on grants formed 73% of the central aid to the states during the 3rd Plan period. This gave the Centre a powerful lever for influencing priorities in the state sector and policies of the state government. This also resulted in practice of discrimination by the Centre in manning grants to states. And in course of time two demands were made by the representatives of states?

- (i) Planning should be decentralized. The Centre should plan with regard to its subjects while the state plans should be related to subjects in the state list. Both should have separate planning commissions. But if the suggestion is considered very radical than suitable steps should be taken for effective association and participation of the states in the process of planning in any case. The central planning commission should be made a non-ministerial expert body with limited function. It was also suggested that only the broad outlines of the National Plan should be chalked out by it and the states should have full freedom to plan the development activities within the national plan.
- (ii) The grants under Article 275 are not made under any objective criterion but many a times are alleged to have Political overtones and moreover, as they are tried down to specific Projects most of which are subject to matching grants they do not help the states to the necessary extent. Therefore, the whole position should be reviewed.

Discrimination against States

The states have been in aid and allocation of further by the two central agencies, the Planning Commission and the Finance Commission. The union Government is often charged with partiality in favour of some states and discrimination

against other states which are ruled by opposition parties. Likewise, while allocating heavy industries, the Centre has, it is alleged, ignored some states like Punjab, Haryana, Himachal and J&K. In Punjab, the state with the highest per capita income, only two big industries Nangal Fertilizers and Rail Coach Factory have been established. The hesitation and delay in writing off the loan given to Punjab for tackling terrorism in the state was also strongly criticized by the SAD-BJP government of Punjab as a step motherly attitude of the Centre. The southern states, particularly Tamil Nadu, have on several occasions 1967, 1974 and 1982 in particular, complained of inadequate food (Rice) supplies from the Centre pool. The west Bengal Govt. (Left front Govt.) in the 1980s strong protested against central discrimination in supplying food grains to its people under the food for work program. Likewise, the Finance Commissions have rarely granted more than 30 percent of the gross revenue receipts to the state. It is alleged by the state, then the Planning Commission has always acted as an extended arm of the union. Nation Planning has always widened the role of the union and tended to reduce the role the states. It has enables the union to increase its centers/over the states.

Misuse of Article 356

Relations between the Centre and the state also become strained owing a misuse of Article 356 by the Governor particularly during the constitute coalition ere started after 1967 elections. The Governor defectors by recommending dissolution of the Assembly. Whereas the Governors of West Bengal and Punjab rewarded the defectors with Chief Minister ship. Likewise, the action of the Governor of Rajasthan and Madhya Pradesh also created controversies with regard to conflicting a discriminatory use of Article 356. The non-congress coalition Governments therefore raised a demand for scrapping this article from the constitution. However, the S.R. Bommai case (1994) has resulted in Supreme Court coming to the rescue of the BJB and allies at the Centre desisted from the from the misuse of Article 356 in spite of the continuous pressure for dismissing DMK Governments in Tamil Nadu and the Rabri Devi government in Bihar and when they tried to use Art. 356 in Bihar the whole episode resulted in a big fiasco. in the powers of the Union. They want decentralization and transfer of more resource and powers to the states. The Rabri Devi govt. was restored after the BJP led govt. was told very plainly by congress that it will not support the resolution in Rajya Sabha where BJP did not enjoy majority. Again, it may be added that though after the Gujarat carnage, Gujarat was fit case to

impose Art.356 but the central govt. decided otherwise, giving clean chit to Modi Govt. during the UPA regime, the role played by the Governor of Jharkhand for appointing Shibu Soren as Chief Minister inspite of the fact that majority was not with him was widely criticized. Finally, on the intervention of the President and the Supreme Court the BJP led govt. was appointed the role of the Governor came under severe attack from all experts of the constitution.

At times, the state govt. is not quite willing to effectively implement a particular union law which is considered prejudicial to its Policies and programmers. In 1968, the Kerala Govt. refused to implement the essential services maintenance ordinance issued by the Union Govt. for preventing a Strike by the Central Govt. employee in 1979, the Govt. of Bihar, Gujarat, Haryana, Himachal, Rajasthan (all Janta Party Govt.), Tamil Nadu (AIADMK govt.), Tripura and West Bengal (Left govt.) refused to implement the preventive detention ordinance issued by the Charan Singh govt. at the Centre for checking, boarding and black marketing. Such actions of the state govt. always lead to Centre-State conflict.

Thus, we can say, that there are many more areas where center and states governments differ from each other, due to increase in these differences the gap between center and states is taking place in form of tensions. Now there is a need to remove these tensions by implementing the recommendations of sarkaria commission for the development of center and state relations.

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