ORIGINAL RESEARCH PAPER
Volume-6 | Issue-9 | September-2017 | ISSN No 2277 - 8179 | IF : 4.176 | IC Value : 78.46
INTERNATIONAL JOURNAL OF SCIENTIFIC RESEARCH

A BOND OF CENTRAL-STATE RELATIONS -AN OUTLOOK

Political Science

Balemla Babu

ABSTRACT

The study of central-local government relations presents a dynamic discourse into understanding political and administrative power dimensions and distribution between central government and local government. Central-local government relations reflects the horizontal and vertical power dynamics between central and local government and related consequences on autonomy and the degree of discretion that local government enjoy from central government control and direction.

Further, it is proposed that Centre-State relations cannot be seen in a uniform vertical frame alone. Since States do not work as a homogenous entity in relation to the Centre, it is important to read variations in relations of different States and map their nature to understand their relations with the Centre. Additionally, States do not work in fixed groups; different States may converge or diverge along varied interests and issues in relation to different States and therefore may simultaneously bear multiple patterns of relations with the Centre.

My present paper provides a brief overview of the Constitutional framework of Centre-State relations, looks at the multiple strands of Centre-State relations and the mediating variables that shape these.

KEYWORDS

Local government; Central-local government relations; Autonomy; Local government discretion.

Introduction:-

The Indian Constitution provides for a federal system of government but the term 'federation' has nowhere been used in the Constitution. On the other hand, Article 1 of the Indian Constitution describes 'India, that is Bharat' as a 'Union of States', an expression which implies two things. Firstly, unlike the USA the Indian federation is not the result of an agreement between the units. Secondly, the units have no right to secede from the federation. In fact the States of the Indian federation have no independent existence of their own. Parliament can alter their names and territories without their consent.

The Constituent Assembly members were convinced that a vast country like India could not be efficiently governed from a single Centre and thought it desirable to adopt a federal system of government. The diversity of race, religion, and language also impelled them to go for a federal policy, because it could ensure unity of the country while assuring autonomy in matters of local importance. It may be observed that the Indian Constitution does not possess all the features of a typical federation and makes many deviations. In view of these deviations the critics have challenged the federal character of the Constitution, and described it as 'quasi-federal'.

For example, ***K.C. Wheare*** says: "The Indian Union is a unitary State with subsidiary federal features rather than a federal State with subsidiary unitary features." ***Granville Austin*** agrees with this view when he describes the Indian federation as a new kind of federalism to meet Indian's peculiar needs.

Objectives of the Study:-

1. Seeks to understand the trends in Centre-State relations in post-Independence India.
2. To study the role of states in India as a drive for the National Integration.
3. To overview the nature of federal system outlined by the constitution.
4. To study the recent dynamics and their influence in modern India.

View of federation after Independence :-

After the attainment of independence, the founding fathers of the Indian Constitution realised that the cultural configuration of India — unity in the midst of diversity—lent itself to a federal structure of political organisation. The Indian Constitution was, therefore, based on the federal principle. A federal Constitution is considered appropriate where among the constituent units there is a desire for "Union though not for Unit". The diverse people of India fitted into this picture. And, therefore, the federal structure of the Constitution was quite appropriate.

The founding fathers of the Indian Constitution gave a Constitution which was federal but with a strong Centre because of the prevailing centrifugal tendencies in the country. However, the balance tilted increasingly towards centralised administration for several years after independence for a variety of reasons. The Indian federation started working as a Unitary state—thanks to growing encroachment of the Centre on the States' functions, the fiscal imbalance between the Centre and States, a centralised planning process and, above all, frequent imposition of Central Rule on the State under Article 356 of the Constitution. All this created misgivings in some States and led to a rise of regionalism and students' demand for State autonomy and radical changes in the Indian Constitution. One reason for such a demand was the disparities in the social and economic development.

In view of this principle of the federal structure, **K.C. Wheare** observed that the Indian Constitution provides a system of government which is quasi-federal. **D.D. Basu** observed: "The Constitution of India is neither purely Federal nor purely Unitary but is a combination of both. It is a Union or composite State of novel type. It enshrines the principles that inspite of federation the national interest ought to be paramount."

Post-1967 Developments in Federation :-

After Nehru, particularly after the 1967 general elections when the Congress party lost in as many as nine States to other parties, the ruling party at the Centre, the Congress, tried to bypass, ignore or underestimate the gravity of the problem of Centre-State relations.

The only thing that the government had set up was the National Development Council (NDC).

The Chief Ministers of various States, including the Congress-ruled ones, gave their different views on the various aspects of Centre-State relations. A survey of the actual working of our Constitution for nearly 67 years would hardly justify the conclusion that, even though the unitary bonds have in some respects been further tightened, the federal features have altogether withered away.

Some scholars in India have urged that the unitary bias of our Constitution has been accentuated in its actual working by two factors—(a) the overwhelming financial power of the Union and the utter dependence of the States upon Union grants for discharging their functions, and (b) the comprehensive sweep of the Union Planning Commission, set up under the concurrent power over planning.

Role of Authorities in the Context of Centre-State Relations :

The role of the President, Governors, Chief Ministers, Inter-State Council, National Develop-ment Council etc. are crucial in the Centre-State relations. It is, therefore, imperative to examine the roles of these authorities in the context of Centre-State relations.

Role of the President and Central Government:

Article 354 empowers the President to order suspension of the provisions of Articles 268 to 279 relating to distribution of revenues

between the Union and States, while a Proclamation of Emergency is in operation.In other words, the Union can, in an emergency, actual or apprehended, withdraw all powers from the States and also the financial support it gives and functions as a Unitary State. In the US and Australian Constitutions, even the declaration of war does not impinge on the distribution of power between the Federation and the States, nor does it empower the Federal Legislature to legislate on any subject exclusively in the State List.

Imposition of President's Rule in States:-

The unitary character of our Constitution is exemplified in Article 365 which says: "Where any State has failed to comply with, or to give effect to any direction given in the exercise of the executive power of the Union under any of the provision of the Constitution, it shall be lawful for the President to hold that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provision of the Constitution." This Article gives a sweeping and draconian power to the Centre.

The purpose of Article 356 is, however, to provide for the administration of a State when no political party can command a majority in the House to form a stable government either by it or by forming a coalition with another party. For a variety of reasons, the effect of this exercise is also not uniform. In some cases the Assembly has been dissolved, but in some other cases it has been kept in suspended animation. From 1950 to 2017, that is, within a period of 67 years, the country has had the taste of President's Rule in different States on more than 130 occasions.

Chief Ministers and National Politics:-

The influence of the Chief Ministers on national politics has been demonstrated so many times. Chief Ministers are sometimes invited to the meetings of the Union Cabinet when questions relating to their States are discussed and their presence is considered helpful.

The facade of constitutional propriety was preserved by the Chief Ministers tendering their resignations to the Governor at the appropriate time. The Ministers continued to enjoy the confidence of their respective legislators and except in two cases of disputed leadership, all the Chief Ministers enjoyed unqualified confidence of the Congress Legislature Party. As stated by Ashok Chandra, "This being the position, the resignations of the Chief Ministers and the manner in which they were accepted has no constitutional parallel."

Chief Ministers' Conference :-

The Union and the States are inter-dependent in numerous ways. The unity thus brought about has to have the force of consent, not of law. This calls for cooperation and co-ordination on the basis of policies arrived at after due consultations in which the nation as a whole, through the Central and State governments, participates. Co-ordination can be effective only if it is based on commonly acceptable policies for which consultation with the States is necessary. The Rajya Sabha, although consisting of persons elected by the State Legislatures, is not an appropriate forum for furnishing the point of view of the State governments and Centre-State consultation really means consultation between the Centre and State governments. Besides, it cannot be one of the functions of a legislative body to hammer out administrative policies lying within the domain of the Executive. With this end in view, the Administrative Reforms Committee had suggested the establishment of an Inter-State Council consisting of all the Chief Ministers.

CONCLUSION :-

To conclude, the Centre and States are not to be treated as two parties opposed to each other. Issues have to be examined in order to ensure more financial powers for the States. "The States are the crucial arena where great dangers and opportunities exist, where ultimately all the policies and programmes of the Government would have to take shape and get translated into the lives of the people. The stability of the State Government is as important as that of the Union Government. The future of India will depend not only on the vision of the leaders in Delhi but also of those States.

At present NDA government looking forward to gain the attention of states by fallowing new political dimensions of the states in recent general elections. "States should have freedom in negotiating loan, aid, etc. for development activities. Sufficient administrative powers for stimulating growth and development in the States would certainly be welcome. To achieve this objective, some important amendments to the Constitution would have to be thought of. The former Prime Minister, ***Morarji Desai***, had rightly said that "the States must be strong, Then alone, the Centre will be strong."

References :-

1. D. Jha, "Centre-State Relations", Indian Nation, Patna: February 8, 1986.
2. K.C. Wheare, Federal Government, (Third Edition), London: Oxford University Press, 1953, p. 20.
3. Durga Das Basu, Commentary on the Constitution of India, 7th Edition, Vol.-A: Calcutta: S.C. Sarkar and Sons, 1965, p. 55.
4. John Locke, Two Treatises on Government, London: 1690
5. Ashok Chandra, Federalism in India: A Study of The Union-State Relations,London: George Allen and Unwin Ltd., 1965, p. 100.