

## CENTER STATE RELATIONS

**Union List**      100 items (Exclusive authority of Union)

**Concurrent list**      52 items (Authority of both center & state)

**State List**      61 Items ( 5 items transferred to concurrent list by 42 amendment; viz. Education, forests, Justice, Weight & measures and Protection of wildlife, animals & birds)

Under certain conditions, constitution authorizes union government to extend its jurisdiction over matters included in state list viz.

When a proclamation of emergency is in force, parliament can legislate on matters included in all 3 lists

**Article 356**      On breakdown of constitutional machinery in state, parliament can take over legislative authority of the state

**Article 249**      Empowers Rajya Sabha to transfer any matter in state list to legislative jurisdiction of parliament by a resolution passed by 2/3<sup>rd</sup> of the majority

**Article 252**      If legislature of 2 or more states passes a resolution that a desirable law shall be passed by parliament on any matter enumerated in state list, then parliament can make laws regulating that matter. Any other state can also adopt such law by passing a resolution but these laws can be amended / repealed by parliament only

**Article 253**      Empowers parliament to make laws for whole or any part of Indian territory for implementing international agreements & conventions, even if the subjects covered by such treaties & agreements falls within state list

Residuary powers have been placed under legislative jurisdiction of the parliament

### Central control over state legislation

Apart from above, constitution also provides for centre's consent, before a bill passed by state legislature becomes a law:

A state law providing for compulsory acquisition of private property shall have no effect without Presidential assent

**Article 31A** Grants immunity to laws providing for agrarian reforms from article 14 & 19 but immunity of article 31 A shall not be available to state laws unless it receives Presidential assent

**Article 200** Directs governor of state to reserve a bill passed by state legislature for the consideration of President, if in his opinion, law if passed, would derogate the powers of HC

**Article 288 (2)** Authorize a state to levy tax wrt water & electricity, being distributed, used or sold by any authority, established by law made by parliament. But no such law shall be valid unless it has been resented for consideration of the President & have received his assent

**Article 304 (b)** Authorize a state legislature to impose reasonable restrictions on freedom of trade, commerce & intercourse within the state in public interest, but such law can not be introduced in state legislature without prior sanction of President

### Administrative Relations between Center & States

- Union-state administrative relations in India are organized so as to enable the union government to exercise considerable direction & control over administrative machinery of the state
- Union government has been armed with the powers of giving directions to state & has been given certain other powers to promote interstate coordination + settle interstate river water disputes
- For above purpose, President may appoint interstate councils (Advisory in nature) to effect coordination b/w the states

### Financial Relations between Center & States

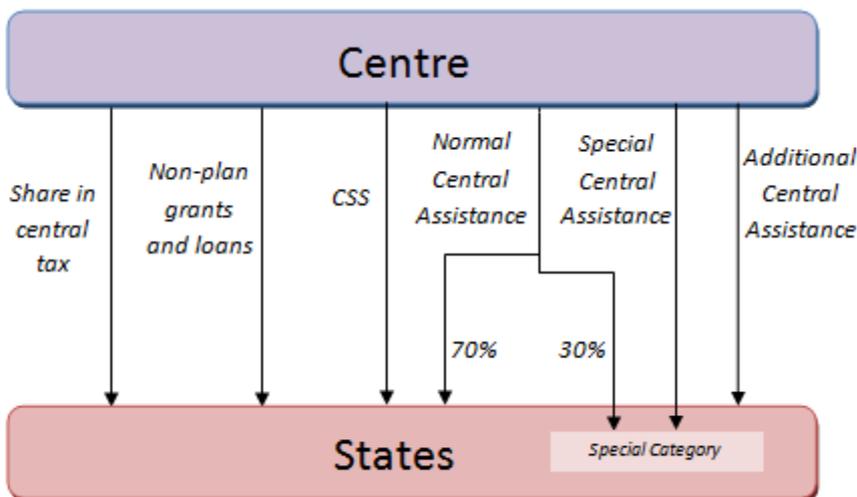
Financially strong centre, so much that states are almost completely dependent upon the union for financial assistance. While proceeds of all the taxes within the state list are entirely retained by the state, proceeds of some of the taxes in union list are allotted wholly or partially to the states.

- Stamp duties + Duties of excise on medicinal & toilet preparations are mentioned in union list & are levied by central government but collected by state government

- Taxes levied & collected by union but assigned to states:
- Duties wrt succession of property other than of agricultural land
- Estate duty wrt succession of property other than of agricultural land
- Terminal taxes on goods or passengers carried by railways, sea or air
- Taxes on railway's freight & fare
- Taxes levied & collected by the union but distributed b/w union & states → Income tax (Not including corporate tax)

### Grant in aids & Loans

- Prime objective is promoting welfare of STs & raise administration of scheduled areas
- Parliament make grants to give financial assistance to states to help overcome budgetary deficits
- Specific budget grants to states, as in case of jute producing states like WB, Assam, Bihar & Orissa, in lieu of share of Jute export duty, levied by government
- Union can make grants for any public purpose for various national development schemes
- Union provides many other grants to states from time to time which mean states depend greatly on Union to get loans. A state government can only borrow within India & can not raise a new loan without the consent of Union government, if there is an outstanding on previous loans
- Constitution provides for appointment of finance commission by President every 5 years to advise him regarding distribution of resources b/w union & states & other revenue matters
- Niti Ayog also plays a vital role in financial relations b/w centre & states. It decides outlays of the plans for the country which in turn decides amount of money to be given to various states



### Cooperative Federalism

- In exigencies of war, national interest takes precedence over fine points of centre – state divisions of powers

- Substitution of primary police state by welfare state, where varied social services or technological advancement requires huge outlays & state government could not meet them on their own resources

### Supreme Court Doctrines in context of legislative relations b/w Centre & States

#### **Doctrine of Pith & Substance**

- Within their respected areas of authority, Union & state legislatures are supreme & are not supposed to encroach upon others sphere
- If a new law passed by one encroaches upon the subject, held & assigned by the other, court will apply Doctrine of Pith & Substance
- If it is found that law in substance is within the subjects assigned to that legislature & intention of law is genuine, the law shall be valid, even though there is some overlapping.
- Hence, there can not be watertight division of powers b/w centre & the state, because if it is, it would made several laws invalid on simple grounds of overlapping

#### **Doctrine of Colorable legislation**

- In federal government, transgression of its limit of powers by a legislature may be overt or covert. When the legislation is indirect & covert, it is known as colorable legislation
- In this, although the subject on which legislature make laws falls within its legislative competence in exterior appearance but its real motive is to transgress the powers of other legislature covertly
- In this, case applying the Doctrine of colorable legislation, court can invalidate the entire law which means, what legislature can not do directly, it can not do the same indirectly also

#### **Interstate councils**

- President is empowered to constitute an interstate council, if at any time it appears to him that public interest would be served thereby
- Establishment → May 1990, on recommendations of Sarkaria commission
- Meet 3 time a year with proceedings under camera

#### **Members**

- PM (Ex-officio chairperson)
- 6 union ministers (as appointed by PM)
- CM of all the states & UTs
- Administrators of UTs

#### **Largely based on GOI act of 1935; ISC has 3 specific duties viz.**

- To enquire into & advice upon disputes arose b/w states
- To investigate & discuss subjects on which states or union + states have common interest
- To make recommendations on these subjects for better coordination of policy & action

### **CENTER STATE RELATIONS**

## Legislative relations:

Parliament can make laws for the whole or any part of the **territory of India**.

Only Parliament can make law applicable to Indians and their property in any part of the world [extra-territorial jurisdiction]. States can make laws for whole or part of the state only.

President can make regulations for peace, progress and good government of UT's A&N, Lakshadweep, dadra nagar haveli and daman diu. Such a regulation can amend or repeal law of parliament for these territories.

Parliament can make laws on any matter in all three lists for UT's. Even though Delhi and puducherry have CM + CoM the supreme control of president and parliament over it isn't affected. However legislative assembly of both UT's can make laws on state list [Delhi can't make on public order, police and land] and concurrent list.

Provision for administration of acquired territories also is same as UT's.

Governors are empowered to direct that an act of parliament don't apply to scheduled area of state or apply with amends. Governor of Assam can do same for tribal autonomous districts and president for the tribal autonomous districts in **Meghalaya, Tripura and Mizoram**.

Union list has precedence over concurrent list [and state list] and concurrent over state list. Only parliament can make laws on residuary subjects [not on any lists]. However if a state bill has been given assent by the president then it prevails for that state. But parliament can override this by making an act on the same matter.

**Under extraordinary circumstances the parliament can make laws on matters on the state list too if:**

1. Rajya Sabha passes a resolution with two-third majority. Such a resolution has a life of one year and can be extended any times. All such acts lapse after 6 months of the resolution lapsing. The state can still make a law on this matter when the resolution is in force but union law prevails.
2. During national emergencies the union can make laws on matters in the state list but such laws expire in 6 months of the emergency expiring. States can make laws on the matter too but union laws prevail.
3. Parliament can make laws on any matter of state list to implement international conventions, agreements and treaties.
4. If two or more states pass a resolution requesting parliament to make laws on a matter in the state list then parliament can legislate for that matter only. Such a law shall apply only to those states but other states can join by passing similar resolutions. Henceforth only parliament can make laws or amend/repeal them on that matter for those states. The states shall have lost that power with respect to that subject.
5. During presidents rule in the state, parliament can make laws for any matter in the state list but for that state only. After the rule is over these laws don't lapse. But states can amend/repeal/re-enact them.

### Parliament can exercise control on state legislations by:

President can direct states to reserve money and other financial bills for his assent during financial emergency.

1. Bills on certain matters on state list can be introduced in state legislatures only after presidential sanction.
2. Governor can reserve bills passed by state legislatures for presidential assent. President enjoys absolute veto over them.

### Division of executive powers:

Centre has executive powers on matters on which it can make legislations. This is for the entire territory of India. Similarly states have executive powers throughout their entire territory for all matters on which it can legislate.

For matters in concurrent list **executive power rests with state** unless the constitution or the said law confers it to the centre.

Executive power of state should be used in a manner to ensure compliance with central laws and to ensure that no impediment is caused to exercise of executive powers of centre in the state.

Centre can give directions to the state for the above purposes and non-compliance with such directions can be a valid reason for declaring president's rule in that state.

**President can assign an executive function of the centre to the state government if it consents. Governor too can entrust executive function of state to centre if it agrees.**

However, only parliament can confer executive duties to a state government without the state's consent by passing a law.

### ADMINISTRATIVE RELATIONS BETWEEN THE UNION AND THE STATES

- ANY federal scheme involves the setting up of dual governments and division of powers. But the success and strength of the federal polity depends upon the maximum of co-operation and co-ordination between the governments. The topic may be discussed under two heads:
  - Relation between the Union and States;
  - Relation between the States inter Se.
- **TECHNIQUES OF UNION CONTROL OVER STATES**
  - It would be convenient to discuss this matter under two heads-(i) in emergencies; (ii) in normal times.
  - It has already been pointed out that in 'emergencies' the government under the Indian Constitution **will work as if it were a unitary government**
  - In Normal Times. Even in normal times, the Constitution has devised techniques of control over the States by the Union to ensure that the State governments do not interfere with the legislative and executive policies of the **Union and also to ensure the efficiency and strength of each individual unit which is essential for the strength of the Union.**
  - Some of these avenues of control arise out of the executive and legislative powers vested in the President, In relation to the States,

- The power to appoint and dismiss the Governor; the power to appoint other dignitaries in the State, e.g., Judges of the High Court; Members of the State Public Service Commission
- Legislative powers, e.g., previous sanction to introduce legislation in the State Legislature; assent to specified legislation which must be reserved for his consideration, **instruction of President required for the Governor to make Ordinance relating to specified matters; veto power in respect of other State Bills reserved by the Governor**
- It has already been stated that with the consent of the Government of a Delegation of State, President may entrust to that Government executive functions of the Union relating to any matter. **While legislating on a Union subject, Parliament may delegate powers to the State Governments and their officers insofar as the statute is applicable in the respective States**
- Conversely, **a State Government may, with the consent of the Government of India, confer administrative functions upon the latter, relating to State subjects**
- Thus, where it is Inconvenient for either Government to directly carry out its administrative functions, **it may have those functions executed through the other Government.**

#### **Grant-in-Aid.**

- As stated earlier, Parliament is given power to make such grants as it Grant-in-Aid.
- It may deem necessary to give financial assistance to any State which is in need of such assistance [Art. 275]
- By means of the grants, the Union would be in a position to correct inter-State disparities in financial resources which are not conducive to an all-round development of the country and also to exercise control and coordination over the welfare schemes of the States on a national scale.
- Besides this general power to make grants to the States for financial assistance, the Constitution provides for specific grants on two matters:
- (a) **For schemes of development, for welfare of Scheduled Tribes and for raising the level of administration of Scheduled Areas, as may have been undertaken by a State with the approval of the Government of India.**
- (b) **To the State of Assam, for the development of the tribal Areas in that State**

#### **Inter state commerce commission**

- For the purpose of enforcing the provisions, of the Constitution relating to the **freedom of trade, commerce and intercourse throughout the territory of India**
- Parliament is empowered to constitute an authority similar to the inter state Commerce Commission in the U.S.A
- And to confer on such authority such powers and duties as it may deem fit . **No such Commission has, however been set up.**

#### **Mutual delegation of functions**

- As explained already Our Constitution distributes between the Union and the States **not only the legislative power but also the executive power**, more or less on the same lines
- The result is that it is not competent for a State to exercise administrative power with respect to Union subjects, or for the Union to take up the administration of any State function, **unless authorised in that behalf by any provision in the Constitution.**

- **In administrative matters, a rigid division like this may lead to occasional deadlocks.**
- To avoid such a situation, the Constitution has engrafted provisions enabling the Union as well as a State to make a mutual delegation of their respective administrative functions:
- (b) As to the delegation of Union functions, there are two methods:
- **With the consent of the State Government, the President may, without any legislative sanction, entrust any executive function to that State**
- **Irrespective of any consent of the State concerned, Parliament may, while legislating with respect to Union subject, confer powers upon a State or its officers, relating to such subject. Such delegation has, in short, a statutory basis.**
- **Conversely, with the consent of the Government of India, the Governor of a State may entrust on the Union Government or its officers, functions relating to a State subject, so far as that State is concerned**

### **IMMUNITY FROM MUTUAL TAXATION**

- The system of double government set up by a federal Constitution requires, for its smooth working, the immunity of the property of one Government from taxation by another.
- Though there is some difference between federal Constitutions as to the extent to which this immunity should go, there is an agreement on the principle that mutual immunity from taxation **would save a good deal of fruitless labour in assessment and calculation and cross-accounting of taxes between the two governments (Union and State).**
- The property of the Union shall, **save insofar as Parliament may by law otherwise provide, be exempt from all taxes imposed by a State or by any authority within a state**
- Similarly the property of a State is immune from Union taxation
- The Immunity, however, does not extend to all 'Union taxes, as held by our Supreme Court, but is confined only to such taxes as are levied on property.
- A State is, therefore, not immune from customs duty, which is imposed, not on property, **but on the act of import or export of goods.**
- Not only the 'property' but also the 'income' of a State is exempted from Union taxation. The exemption is, however, confined to the State Government and **does not extend to any local authority situated within a State.**
- The above immunity of the income of a State is, again, subject to an **overriding power of Parliament as regards any income derived from a commercial activity.**
- Thus (a) Ordinarily, the **income derived by a State from commercial activities shall be immune from income-tax levied by the Union.**
- (b) Parliament is, however, **competent to tax the income of a State derived from a commercial activity.**
- (c) if, however, Parliament declares any apparently trading functions as functions '**incidental to the ordinary functions of government**', the income from such functions shall be no longer taxable, so long as such declaration stands.

## **Union-State Relations / Centre-State Relations**

The Constitution provides a federal system of government in the country even though it describes India as 'a Union of States'.

**The term implies that firstly, the Indian federation is not the result of an agreement between independent units and secondly, the units of Indian federation cannot leave the federation.**

India is a union of states. The constitution of India has divided the legislative, executive and financial powers between the centre and the states, which gives the constitution a federal character whereas judiciary is integrated in a hierarchical structure.

The centre-state relations are divided into three parts, which are mentioned below:

- (A) Legislative Relations (Article 245-255)
- (B) Administrative Relations (Article 256-263)
- (C) Financial Relations (Article 268-293)

### **Legislative Relations**

Articles 245 to 255 in Part XI deals with different aspects of legislative relations between centre and states. These include:

- (1) Territorial jurisdiction of laws made by the Parliament and by the Legislatures of States.
- (2) Distribution of legislative subjects
- (3) Power of parliament to legislate with respect to a matter in the State List
- (4) Centre's control state legislation

However, Seventh Schedule of the Constitution provides for the distribution of legislative powers between the centre and the states. The legislative subjects are divided into List I (the Union List), List II (the Concurrent List) and List III (the State List).

- At present, there are 100 subjects in the Union list which includes subjects such as foreign affairs, defence, railway, postal services, banking, atomic energy, communication, currency etc.
- At present, there are 61 subjects in the State list. The list includes subjects such as police, public order, roadways, health, agriculture, local government, drinking water facilities, sanitation etc.
- At present, there are 52 subjects in the concurrent list. The list includes subjects such as education, forests, protection of wild animals and birds, electricity, labour welfare, criminal law and procedure, civil procedure, population control and family planning, drugs etc.

Article 245 empowers the centre to give directions to the states in certain cases in regards to the exercise of their executive powers.

Article 249 empowers the parliament to legislate with respect to a matter in the State List in the national interest.

Under Article 250, the parliament becomes empowered to make laws on the matters related to state list when national emergency (under Article 352) is in operation.

Under Article 252, the parliament is empowered to legislate for two or more States by their consent.

### **Administrative Relations**

Article 256 to 263 deals with the administrative relations between the centre and the states. Article 256 states that "the executive power of every State shall be so exercised as to ensure compliance with the laws made by the parliament and any existing laws which

apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose".

### **Cooperation Between the Centre and the States**

The constitution lays down various provisions to secure cooperation and coordination between the centre and the states. These include:

- (i) Article 261 states that "Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of every State".
- (ii) According to Article 262, the parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.
- (iii) Article 263 empowers the President to establish an inter-State Council to inquire into and advise upon disputes between states, to investigate and discuss subjects in which some or all of the States, or the Union and one or more of the States, have a common interest.
- (iv) As per Article 307, Parliament may by law appoint such authority as it considers appropriate for carrying out the purposes of the constitutional provisions related to the inter-state freedom of trade and commerce.

### **Centre-State Relations during Emergency**

- (i) During a national emergency (under Article 352), the state government become subordinate to the central government. All the executive functions of the state come under the control of the union government.
- (ii) During a state emergency (under Article 356), the president can assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or authority in the State other than the Legislature of the State.
- (iii) During the operation of financial emergency (under Article 360), the Union may give directions to any State to observe such canons of financial propriety as may be specified in the directions, and to the giving of such other directions as the President may deem necessary and adequate for the purpose.

### **Financial Relations**

The Constitution deals with the centre-state financial relations in Article 268-293 of Part XII.

Allocation of taxing powers

The Constitution has provided the union government and the state governments with the independent sources of revenue. It allocates the powers to centre and the states in the following way:

- (i) The parliament has exclusive power to levy taxes on the subjects mentioned in the Union List.
- (ii) The state legislatures has exclusive power to levy taxes on the subjects mentioned in the State List
- (iii) Both the parliament and the state legislature are empowered to levy taxes on the subjects mentioned in the Concurrent List.

(iv) The parliament has exclusive power to levy taxes on the matters related to the residuary subjects.

**However, in case of tax revenue distribution,**

- article 268 states that duties are levied by the Union but are collected and appropriated by the States;
- Service tax levied by Union and collected and appropriated by the Union and the States (Article 268-A);
- Taxes levied and collected by the Union but assigned to the States (Article 269);
- Taxes levied and collected by the Union but distributed between the Union and the States (Article 270).
- Surcharge on certain duties and taxes for purposes of the Union (Article 271)

Under Article 275, the parliament is authorized to provide grants-in-aid to any state as parliament may determine to be in need of assistance, and different sums may be fixed for different States.

Under Article 282, the union or a state may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws.

Under Article 352, during the operation of national emergency, the distribution of revenues between the centre and the states can be altered by the president.

Under Article 360, during the financial emergency, the executive authority of the Union shall give directions to any State to observe such canons of financial propriety as may be specified in the directions and to the give the directions as the President may deem necessary and adequate for the purpose.

The important recommendations of the first administrative reforms commission related to the centre-state relations are:

**Establishment of an Inter-state council under Article 263**

1. Decentralization of powers to the states as much as possible
  2. More transfer of financial resources to the states
  3. Arrangements for devolution in such a way that the states can fulfil their obligations
  4. Advancement of loans to states should be related to as 'the productive principle'.
  5. Deployment of central armed forces in the states either on their request or otherwise
- During state emergency, under Article 356, President's Rule can be imposed in event of the failure of constitutional machinery in a state.

**Q. WRITE A SHORT NOTES ON Trends of Centre-State Relations Under Different Phases of the Government**

The framers of the Indian Constitution established a strong centre and visualized federalism as a functional instrument for creation of an Indian nation and a strong cohesive state. This has been further reinforced by the actual working of the federation during the past 66 years. The study of this period can be classified as in the following:

The first phase (1950-67)

The second phase (1967-77)

The third phase (1977-89)

The fourth phase (1989-onwards)

Party system is perhaps the most important intervening variable that significantly influences the working of a federal political system. This phase was marked by the domination of the Congress party both at the centre as well as in the states. The Congress party along with the charismatic leadership of Nehru further strengthened the centre. The issues in centre-state relations were resolved at the level of the party as its internal issue. The Planning Commission and the National Development Council (NDC), both created through executive resolutions, became Centre's instruments of domination over states. The Planning Commission was to look after social service-education, medicine, health, agriculture, cooperation, social welfare and industrial housing which were all state subjects. The NDC was seen as an experiment on cooperative federation. But in one of its meetings, the states surrendered to the centre their sales tax on textile, sugar and tobacco. This period also saw misuse of Article 356 against the Communist government in Kerala in 1959. Nehru took democracy seriously enough, which was reflected in his monthly letters to state chief ministers in which he informed them of the state of the nation and solicited their opinion in an attempt to build national consensus. The Indian National Congress institutionalized the principle of consultation, accommodation and consensus through a delicate balancing of the factions within the 'Congress System'. It also practised co-optation of the local and regional leaders in the national power structure and the system of sending out Congress 'observers' from the centre to mediate between the warring factions in the provinces, thus simultaneously ensuring the legitimacy of the provincial power structure in running its own affairs as well as the role of Central mediation. Thus, the first phase of Indian Federalism was marked by central domination over the states which even ceded some of their powers to the centre.

The Zonal Councils were created under the States Reorganization Act as advisory bodies to foster cooperative federalism in evolving uniform policies in socio-economic matters. However, they were formed within the system of central domination over the states

### **The Second Phase (1967-77)**

The fourth general election was an important event in the federal dynamics of the country, which drastically reduced the overwhelming majority of the Congress party to a simple majority at the centre while it lost nearly half of the Indian states to the opposition or coalitions. It led to a radical change in the nature of centre-state relations. This phase saw the emergence of assertion on the part of states and the centre reacting to such assertions by demonstrating its effective power.<sup>16</sup> The Congress party attempted to regain political power by engineering defections and all other means at its disposal including Article 356. The Rajasthan case was a classic example where the Governor recommended imposition of president's rule in order to prevent government formation by the coalition of opposition parties. The Assembly was suspended. Meanwhile, the Congress party engineered defections and finally formed the government.

During the period 1967-71, the Union-state conflict was at its peak. The Union government refused to accept assertions of rights by the non-Congress state governments. But the most important factor during this period was the emergence of regional forces to fill up the vacuum created by the weakening of the Congress party. Mrs. Gandhi used the Congress dominance to make the centre stronger and the controversial 42nd Amendment to the

constitution made centre more powerful at the expense of the states. This centralization process culminated in the infamous Emergency of 1975-77.

### **The Third Phase (1977-89)**

The 1977 election saw the Congress losing power at the centre for the first time since independence. It brought the Janata Party to power which believed in the decentralization of economic and political power. However, the first act of this government was the dismissal of nine state governments ruled by the Congress on the specious argument that they had lost people's faith as reflected in their performance in the 10k Sabha elections. It also scrapped Article 357(A) through the 44th Amendment Act which empowered the centre to deploy army and paramilitary forces for dealing with any grave law and order situation in the states. The Congress returned to power in the mid-term election in 1980 and it dismissed the Janata party governments in nine states using the same specious argument like by its predecessor. In a number of states like Andhra Pradesh, Tamil Nadu, Karnataka, West Bengal, etc., government was formed by the regional parties which demanded more autonomy. The Akali Dal in Punjab too supported these demands. The four southern states declared the formation of a regional council to buttress the demand for more autonomy. All this led to the appointment of Sarkaria Commission to look into the centre-state relations.

The Rajiv Gandhi government tried to build alliances with the regional parties due to political compulsions as seen in Rajiv-Longwal pact and the Assam accord. However, he also tried to centralize powers by calling the conference of District Magistrates to deal directly with them, thereby bypassing the state governments. He also repeated this by introducing the Panchayati Raj Bill and Jawahar Rojgar Yojana.

### **1989 Onwards: The Era of Multi-Party System**

The 1989 general election was a landmark in the history of Indian polity as it ushered in a new era of multiparty system and initiated the process of greater federalization. With the defeat of the Congress party, this election ended one party rule at the centre and marked the beginning of coalition government at the centre. The regional parties became an integral part of the federal cabinet and started asserting themselves in a forceful manner at the centre. This process of greater federalization, for the convenience of study, can be divided into the Political federalization and Economic federalization.

### **Political Federalism**

The advent of multiparty system led to qualitative change in the Indian polity which has continued ever since. Starting from 1989 elections, no single party has been able to get a clear majority at the centre and coalition and minority governments at the centre have become a norm. The regional parties have become part and parcel of every coalition cabinet and, hence, have started playing a decisive role at the central level. Regional parties such as the DMK of Tamil Nadu or the RJD of Bihar have asserted their interests more openly over one and a half decades of coalition and minority governments. This increased assertion on the part of the regional parties had forced even the Hindu nationalist BJP to temper its attitude while leading the NDA coalition government in 1999 when it had to drop its core agenda of Ram Mandir, Article 370, Uniform civil code and Hindi as national language in the common minimum programme and adhere to the norms of centre-state relations established by its predecessors governments.

This coalition era has led to greater sharing of powers at the central level by the regional leaders and they have a decisive say in policy matters and aligning national priorities with their regional interests. In the political process of the 1990s shows the internalization of the federal norms in the game plans of the local and regional leaders. Rather than taking a mechanical anti-Delhi stance, the new breed of ambitious, upwardly mobile leaders of India have learnt to play by the rules even if they challenge them and thus have developed a new federal space in which the nation and region can coexist. The next step on the career ladder of these leaders is Delhi, which encourages them to place the region within the larger context of the nation. Eventually as the members of the national coalitions of regional parties, they start striking the postures of national leaders, ready to bargain with and conciliate conflicting interests. The new groups of regional leaders are much more willing and able to listen to the minorities, to regions with historical grievances, to sections of society that entered post-independence politics with unsolved grievances. So far from being its antithesis, region has actually emerged as nursery of the nation. Thus, even with the decline of the Congress as the once dominant party, the multiparty system that has replaced it has produced a similar institutionalized method of regional conflict resolution within a national framework.

However, this process has some flip side too. The federal cabinet has become different from the classical Westminster form based on collective responsibility of the cabinet to the popular chamber of the legislature. It is marked by fragmentation and the dilution of the principle of collective responsibility. The constituent regional parties often controlled by regional satraps get their share in the cabinet in lieu of their support and they nominate their representatives in the cabinet. These cabinet nominees are remote controlled by their party bosses and are responsible to them instead to the prime minister. So the PM has little say in the selection as well as removal of his colleagues. It is not surprising that these ministers air their differences on policy matters openly, which should/be confined to the cabinet meetings. They pay heed to wishes of their party bosses instead of adhering to cabinet dharma. This was seen recently when the Minister of State in the railways from the Trinamool Congress party in UPA~II refused to visit railway accident site in Assam in June 2011 when he was asked to do so by PM Manmohan Singh who was holding additional charge of Railways. In some cases, even the choice of the PM was decided by the regional leaders as seen in appointment of H.D. Deve Gowda and LK. Gujarat in the United Front Government in 1996. Even the fate of the federal government was decided by the regional party bosses. The Vajpayee Government fell when J. Jayalalitha withdrew her support in 1999 and the UPA-I was rescued by the support extended by Mulayam Singh Yadava in 2008 when the Left Parties withdrew their support over Indo-US nuclear deal.

With the decline of the prime ministerial power, the presidential role has acquired some more elbow room, and recent presidents have shown greater initiative and drive under coalition situations, particularly in the formation of government and the dissolution of Lok Sabha in cases of uncertain majorities than in the past. Since 1990s, the role of Rajya Sabha as a Federal Second Chamber has become more pronounced. The differential oppositional majority in the Rajya Sabha as distinct from that of the Lok Sabha is a reflection of the differential compositions of the state legislatures which constitute electoral college of Rajya Sabha. It makes imperative for the government to have inter-house legislative understanding

with the Rajya Sabha to facilitate passage of the legislations and the constitutional amendments.

## **CURRENT AFFAIRS:**

### **Foreign Ambassadors in Srinagar**

#### Why in News

Twenty-five foreign Ambassadors visited Srinagar, Jammu and Kashmir (J&K) to assess the situation in the region nearly six months after the Central government **revoked Article 370**.

- They asked for suggestions from locals including few politicians, elected grass-roots representatives, editors and traders on the measures for moving ahead.
- Around 100 local delegates formed separate groups and met the envoys.
- These delegates also met the **Members of the European Parliament in October 2019**.
- The Ministry of External Affairs has said that there would be more such visits as the situation in J&K further normalises.

#### Significance

- It assumes significance because of the U.S. President's upcoming visit to India and the **European Union's (EU)** plan to discuss the **Citizenship Amendment Act (CAA)** and reading down of Article 370 in the European Parliament in March 2020.
- The visit marks an important step by the government after it faced huge criticism in the EU and in the US over scrapping Article 370.
- The visit gives a better understanding of the cultural and religious diversity of the state apart from giving a clear view of the development and governance priorities of the region.

**Source: TH**

### **Bodo Accord**

#### Why in News

Recently, the **central government, the Assam government and the Bodo groups**, including all factions of the militant **National Democratic Front of Bodoland (NDFB)**, signed an agreement to redraw and rename the **Bodoland Territorial Area District (BTAD)** as the **Bodoland Territorial Region (BTR)**, in Assam.

- BTAD is spread over four districts of **Kokrajhar, Chirang, Baksa and Udalguri**.
- The BTAD and other areas mentioned under the **Sixth Schedule of the Constitution** have been exempted from the **Citizenship (Amendment) Act (CAA), 2019**.

#### Key Points

- Bodoland Territorial Region would include the villages which are dominated by Bodos but are outside BTAD presently. Villages with non-Bodo population would be excluded from

it.

- A committee will be formed to decide the exclusion and inclusion of new areas. Subsequently, the total number of Assembly seats will go up to 60, from the existing 40.
- Both the representatives of the **All Bodo Students Union (ABSU)** and of **Bodoland Territorial Council (BTC)** will be present in the committee.
- **Bodo-Kachari Welfare Council** will be set up for focused development of Bodo villages outside BTAD.
  - Bodos living in the hills would be conferred a **Scheduled Hill Tribe status**.
  - **Bodo language with Devanagari script** would be the **associate official language** for the entire Assam.
  - However, the agreement has **not addressed the issue of “citizenship or work permit”** for non-domiciles in the BTAD yet.
  - Around 1500 cadres of **NDFB will be rehabilitated and assimilated** by the Central and the state governments.
- The criminal cases registered against factions of NDFB members for **non-heinous crimes** shall be **withdrawn** and the cases of **heinous crimes** will be **reviewed**.
  - **Comprehensive solutions** have been made to redress the grievances of the people.
- Families of the people killed during the Bodo movement would get ₹5 lakh each.
- A **Special Development Package** of ₹1500 crore would be given by the Centre to undertake specific projects for the development of Bodo areas.

#### Benefits

- The accord will successfully **bring together leading stakeholders** under one framework.
- People previously associated with armed resistance groups will enter the mainstream and contribute to the nation’s progress.
- It will further **protect and popularise the unique culture of the Bodo people** and will give them access to a wide range of development-oriented initiatives.
- It will bring **peace, harmony and togetherness** in the people of Assam.

#### Background

- Bodos are the **single largest community** among the **notified Scheduled Tribes in Assam**. Bodos are a part of **Bodo-Kachari** and constitute about **5-6%** of Assam’s population.
- The **first organised demand** for a Bodo state came in 1967-68.
- The **Assam Accord of 1985**, gave rise to Bodo aspirations and in **1987**, ABSU revived the **Bodo statehood demand**.
- Bodo Security Force which arose in 1986 as an armed group renamed itself NDFB, and later split into factions.
- The **first Bodo accord** was signed with the **ABSU in 1993**. It led to the creation of the **Bodoland Autonomous Council (BAC)** with some limited political powers.

- In **2003**, the **second Bodo Accord** was signed by the extremist group **Bodo Liberation Tiger Force (BLTF)**, the Centre and the state. This led to the **creation of BTC**, which is an **autonomous body** under the **Sixth Schedule** of the Constitution.

**Source: TH**

PRAGNYA IAS ACADEMY