Conclusion
CONCLUSION

Federation reflects the nature and extent of relationship between the Union and States. It is a device for territorial decentralization and method of dividing powers so that the Union and State Governments operate within their respective spheres sanctioned by the Constitution. Infect a federation is conceived mainly to maintain a balance between over-centralization and Autonomy of States. The identity of states is sanctioned by supreme law of the land.

India adopted this model with necessary modifications towards central hegemony over states, but with a commitment of allowing states to retain and develop their identity as a member of Union of States; on the functional level, the powers are divided between Union and States, but the pre-dominance of the Centre, indicated by the increasing concentration of power at the Union level, and shrinking base of the states has led to strains as well as conflict. Till the 1947, the States were strong with residuary powers, but just after partition, the whole model was changed and Union was given more powers.

The Centre is sovereign in the Union list of the subjects. It is also sovereign in the concurrent list of subjects, for, though both the Centre and the State may operate them, the Centre supressed the States, unless the centre wills otherwise. It is only in the States list of subjects that the States can take over any state subject even in normal times and for any period it the Lok Sabha at centre approves of it by a two third majority on the ground that it is of National interest. It is also open to the centre to suspend in certain circumstances the government of a State and impose President’s rule, which is rule by centre, without the consent of the State. The Centre recruits the higher administrative officers who serve both the centre and States. It can ask the Government of the States and its officers to perform central functions in the area of states.

In a federal political System, Union State relations are a significant pointed to the pattern of Political powers. This has to be viewed in the context of parliamentary democracy where in ruling Parties at the Centre and the States are
likely to be different. There are evidently two dominant models of Union State relations in Indian federal system. First, the different Parties in the power in the Centre and in the States. Second is the same Party in power at the both level Union as well as States, in these two models there is clear understanding that what kind of Political relations will be there.

The growth of regionalism is also product of imbalances in the administrative, financial relations between Union and States. The States reorganization in 1956 made the states compact and homogenous entities. This naturally led to the growth of a strong sentiment in favour of the rights of the States, the self consciousness and self assertion of the regions. Over the years the sense of regional assertion is noticeable due to a variety of factors most import is the unbalanced economic growth of States. The creation of linguistic states has also reinforced regionalism. The trend of regionalism in various States is different some States such as the South Indian States demands on the basic of language, on the other States those who are have enough natural resources, they demands to became separate from the Union or wanted more financial and Political Autonomy. The cooperation of the Union and States also depend on the Political Parties which are ruling in the Union and States. There is Party in the both place, Union as well State then there will be less differences and more cooperation between two.

The political and administrative relation do affect the Political System of the Country, but it is the strength of financial resources that powers the way to the success of the Government in practice. As finance is the backbone of administration and development, financial dimensions of Union States relations, acquire integrity of the Nation in the face of regionalism and strong disruptive the functions and resources of revenue between the Union and States in a manner that the Centre has more than it can digest. An analysis of the economic dynamics shows the dependence of the states giving them a sense of weakness, subservience and subordination under the existing constitutional arrangement there are imbalanced and inadequacies giving rise to a sense of demoralization and frustrating among the states. The political leaders of the
states are vociferously manifesting their feeling further the existing arrangement for the devolution of funds from the centre to the states is imperfect, ineffective and in adequate.

An economically backward state is a threat to the integrity of a federal structure. The regional assertions asking for more Autonomy have been the result of inequitable distribution of economic gains. Thus is the reason that many of the demands for constituting new States are primarily based on the alleged unfair distribution of the developmental benefits and expenditures in the existing States. Due to the increasing role of the Planning Commission in the allocation of the funds, there is a demand to redefine – Union-States relations. The working of Planning Commission and NDC has led to the concentration of power in the centre for beyond what was envisaged in the Constitution. The Finance Commission was expected to the counter balanced the centralizing tendencies of the Planning Commissioned in taking decisions about plan priorities and giving conditional, discretionary and even discriminatory assistance to the states. But the increasing role of Planning Commission has reduced the importance of the Finance Commission which was considered to be a safeguard against state’s economic dependence on the Centre. Sometimes we know that Finance Commission’s awarded are not favorable to the states because of different Parties role in different States while the during some Party rule the economic condition is better. There is no uniform Party regarding the central assistance giving to the states. It is also allow the States (ruled by different parties) to be financially in dependent for fear of losing its grip on the Politics of the States, so a step showed be taken to reduce the dependence of States on Centre and for this adequate finances should be provided to backward States financial Autonomy of the States is as preservation of federalism as maintenances of unity and integrity of the Country.

The Centre has extensive control over Units or States. The resources of the Centre are larger than those of States, and the States are constantly begging the Centre for doles subsidies, and other assistance. Thus, the Centre exercises practically paramount authority over the States, if only because of its larger
purse. The Planning Commission is appointed by the centre and plans primarily for the states. Even in the states list of subjects like education, public health, irrigation, etc. The Centre is able to wield over-riding influence by advice which the states find it expedient to accept. Thus India could be regarded as the Union of States.

The Political trends of Union-States relations since 1975 has become very much conflicting in the field of administrative, financial and legislative relations, and this is the problem of Centre State relationship has been getting more and more complicated. We in this Country have been toying for years with ideas on the nature of Union State relations and autonomy in legislative, economic and administrative matters, inconclusively and without due seriousness, simply drafting along on the issue of autonomy. K. Sansthanam, who said that “The main purpose of the federal systems is that when the conditions, the traditions, the circumstances, the climate, the Geography differ, there should be State Autonomy.” Overall, Sound administrative legislative financial relation required for the better Union State relationship in India.

The subversion of democracy in political institution was finally checkouted by the growing mass movement and the 1977 Lok Sabha election which newly formed Janta Party dissolved the Congress for the first time in New Delhi and most of the major states in North India. Cynical squabbling between big three-Morarji Desai, Charan Singh, and Jagjivan Ram-with criticism of Indira Gandhi as the only item on their agenda made the party lose in popularity. The over ambitious attitude of some individuals, and temperamental incompatibilities and the party failure to institutionalize accountability to the people was responsible for the split in the Janta Party.

In the 1980 elections, Indira Gandhi returned to power with a bang by giving the slogan of “a Government that works” According to Harold A Gould, “the Indira factor was a major reason both for Congress (I) debacle in 1977 and it come back with huge majority in 1980.287 In relation to the dismissal of nine

States, Governments mostly formed by the Congress Party. Mrs. Gandhi dismissed exactly nine opposition ruled State Governments mostly under Janta dispensation. However her electoral restoration could not really revive her past power. In 1980s there was an increasing tendency towards a multiparty system which became evident from fact that despite the rule of Congress at the Center, new opposition Parties were being established in the States. After 1980 electoral change of Governments in a number of state favored non Congress Parties. The Multiparty tendency was further enforced as the year rolled by. In 1983, the Congress lost hold in Karnataka and Andhra Pradesh. Sikkim was lost and so were Punjab and Assam and towards the closing years of 1980s nearly half of the States of Indian Union slipped out of the hands of the Congress. Thus due to this development the element of personalized and centralized authoritarian power came to an extent to be checked by developments and the State and local level Political subject systems. Simultaneous with these institutional electoral developments, Political agitations were gathering momentum in Assam and Punjab. The factor that fueled those mass interventions were extreme public reaction to illegal Bangladeshi migrants into Assam and the operation Blue Star in Punjab.

The Bangladeshi migrants threatened to reduce the Assamese linguistic majority into a minority in their own homeland. This triggered a massive mass mobilization led by Assamese political elites including students. The Punjab problem was partly Mrs. Gandhi’s own creation in the sense that she first patronized Jernail Singh Bhinderanwala with terrorist link to neutralize the Akalidal and later when the terrorist lodged themselves with huge arms and ammunitions in the Golden Temple in Amritsar, she was forced to order Army action to flush them out from there but during process, she deeply hurt the religious feelings of Sikh religious ethnics in Punjab. The events in Punjab were perceived in other parts of India as a threat to national integrity and security. There was a backlash in reaction which was further reinforced by the assassination of Indira Gandhi by her two security guard who happened to Sikhs. Rajiv Gandhi stopped into the sores of Indira Gandhi favoured by the dynastic
tendencies in the ruling party. Soon after his succession, he went to the polls and got unprecedented mandate mainly on account of national unity and sympathy vote. Rajiv Gandhi’s clean public image also helped. The Rajiv Gandhi earned considerable good will by initiating peace processes in troubled sports like Punjab and Assam, Mizoram and Tripura, that culminated in the signing of peace accords in the states around the mid 1980s. His preference for settlement of political disputes through negotiations rather than armed conflict was appreciated. He was also given credit for greater tolerance of dissent for clean politics. The Punjab accord could not be fully implemented party due to the intractability of problem and partly due to the seeming temptation of his Government to dismiss, as it did, the Akalidal Government in Punjab on the eve of Assembly elections in Haryana in 1987 in the hope of garnering electoral gains for the Congress there. In some ways, 1989 elections were reminiscent of 1977 polls only later was even more extensive in regional spread than the former. The Janta Party victory was by the large a north Indian phenomenon, the area that experienced the emergency excesses more grievously. The Congress regained the plurality in both votes and seats, and unlike its reluctance in 1989 to stake its claim to form the Government as the largest single Party, it promptly went ahead by veteran P.V. Narshimha Rao. The percentage of Congress vote dropped but its seat share increased; indeed but for Rajiv Gandhi’s assassination and the consequent tremors of sympathy, the Congress vote probably would have dropped to lower level, as “between the two phases of polling, there was a swing in favour of the Congress varying between 3.5 and 11.9 percentage points.”

The 1996 Lok Sabha elections witnessed the emergence of BJP as the largest single Party in another hung Parliament, followed by the Congress and Janata Dal in that order. The systematic relevance of some other smaller parties for government formation reached a new critical threshold as anti-Congressism, was supplemented by anti BJPism. A United Front over a dozen non-BJP and

Non Congress parties was formed after the elections which formed a minority Government led by H.D. Deva Gowda (JP) in the trail of the failure of the two week BJP minority Government led by the Vajpayee to gain Parliamentary allies and thus forcing the latter to resign just before the confidence vote.

The regional spread of the three major groups of Parties dearly reflects the dispersal and fragmentation of the party system in 1998, the BJP and allies have above 40 percent of role in only eight States and above 40 percent of Seats in ten States. A comparable position is held by Congress and allies in only eight States in terms of percentage of role in seven States in the terms of seats. The corresponding figures for the United Front are three States (percentage of votes) and four States (percentage of seats).

The Congress led coalition has worked very smoothly because except the Communists who have public policy differences with the Congress, other regional and sub groups have cooperated with each other and the Government has been able to project its united image. The UPA Government should supported on the basis of its public policies relevant to the 21st century India. The vision for 21st century has to be provided by political leaders who understand the pulse of the people and not by self proclaimed bureaucrats turned foreign policy makers. It deserves to reiterated that the Office of the Prime Minister in the UPA Government has been completely devalued. It is not only that Dr. Manmohan Singh owes his job to Sonia, all Congress Ministers look towards Sonia for their Continuation in office. Sonia has power without responsibility and Dr. Singh is shouldering responsibilities without real power.

India has thus gradually evolved from administrative to legislative federalism. The post independent Constitution of India established a Parliamentary federal system, which despite the constitution has gradually tended to become more federal under the impact of growing politicization in the society, regionalization of the Party System, the belated Judicial Activism favoring State Autonomy ,and the liberalization of the economy in the

289 The Pioneer September 09, 2004
290 The Economics Time, January 21, 2006
1990s. Under the cumulative impact of these causal factors, a new institutional functioning has become possible which is reflected in greater Autonomy of State Governments and of the President and Finance Commission etc. as also the growing alliance of the Inter State Council and National Development Council (NDC). The Inter State Councils and Zonal Council would have perhaps come into a greater frequency and role of the federal Cabinet itself had not been coalition. Since the regional Political Parties are directly represented in a coalition Cabinets, the urge for using ISC and NDC as alternative India’s federal polity from one Party domination to multi Party configuration.

**Administrative relations:** To take few example of Governors using their Office purely for partisan and personal ends, it may be mentioned that quite good number of Government’s were dismissed on the recommendations of the Governors concerned even though they enjoyed majority support in respective Assemblies. To make Governors more responsible following initiatives has to be taken:

- to check such a misuse of powers by the Governors the High Courts and the Supreme Court should be given ample powers breaking the theory of Political thicket.
- It has been expressed by number of Constitutional Authors, Commission and Committees that some guide lines should be evolved for the proper functioning the Governors. It is humbly submitted that no such guidelines will serve the purpose looking the vast field of Governors role.
- It is further submitted that governors should be appointed not on all party basis but on the ground of his personal capacity and one who is paying the sincere regards the Constitution.
- The directions under Article 256, 357 are concerned it is desirable that it should not be in practice and remain as a reserve position are necessary to make it in use, the centre should explore all the possibilities of setting points of conflicts by all other available means before issuing directions.
Some states have decided the view taken by the Administrative Reforms Commission that the Union is competent by virtue of Art. 355 to locate and use its Central Reserve Police and other Armed Forces in aid of civil powers in any States, even such motto. The States annoyance may be overcome by Central sincere approach to send the force only on demand should not be distributed by the centre sending the troops as regular and general basis.

There is also demand that broadcasting and television facilities should be included in the concurrent list. This demand deserved to have support as well the State’s have got equal need from access to these mass communication media for advancing and propagation their constructive views to the people. To setting up Inter State Council under Article 263 of the Constitution for co-ordination between States must as it would serve the public interests.

The Administrative Reforms Commission has also suggested to establish such council would secure better relations between Union and State and the interstate as well as. Such a Council should comprise the Chief Justice of India, former Presidents and Vice- Presidents, former Prime Ministers and Deputy Prime Ministers and Attorney General. It was emphasized that the import matter like the appointment of Governor’s promulgations of the Central rule in the State boundary disputes of the States, the bills passes by the States, the bills passed by the State legislature but reserved by the Governor for the assent of this council should be being upon the President even if it conflicted with advice given to him by the Council of Ministers. The invited members can take part in the deliberations but do not have the right.

It is thus clear that it is the Government that sets the agenda in Parliament and the Committee has only played a background role. Though the house as a whole is involved in the making of agenda, the components of the agenda are put forward by the Government. The Government is therefore not only the initiator of Polity but also has an important hand in the setting agenda.

**Legislative Relations :-** As far as legislative relations are concerned the view is using supported that there is nothing wrong basically in the scheme of
distributive system between the Union and the States which makes guarantee to 
the great intent the legislative Autonomy to the States of course by making some 
legislation the Union Government has tried to encroach on the State’s legislative 
field in the name of public interest or national interest. But such encroachment 
may be checked through Judicial pronouncements testing the pith and substance 
of legislation. It is also being suggested that--

- whenever a law is enacted by the Centre on a concurrent subject, the State 
  Governments must be consulted before hand on the pattern of 
  Government of India Act 1935, as it wick create a cordial relation 
  between the Union and States.
- The legislation made by the Parliament on certain subjects within the 
  inclusive competence of the states in public interest or National interest, 
  should not be a perpetual nature, but for limited durations.
- It also needs for the evolution of system for its periodic review. 
  Individual and collective consultation with the Sates should be 
  undertaken through the Inter State Council established under Article 263 
  of the Constitution.

Further the Inter State Council order 1990 issued by the President. The scheme 
of distribution of legislative powers under the Indian Constitution, such 
distribution being a necessary component of a federal Political structure raises 
interesting issues where the co-existence of Central and State laws in a particular 
area given rise to litigation. Such problem arises either

- First, because the Union or a State may illegally encroach upon the 
  Province of the other parallel legislative or it may arise because though, 
  there is no encroachment as such on each other’s sphere, yet the two laws 
  clash with each other.
- The two situations are strictly speaking different from each other and they 
  must be judged by two different tests. The subject matter of the 
  legislation in question fall with in either the Union list or the State list, 
  only the question is to be decided with reference to legislative 
  competence.
One of the two laws must necessity be void because leaving aside matters in the concurrent list, the Indian Constitution confers exclusive jurisdiction upon Parliament, for matter in the State list. The correct doctrine applicable is that of ultra vires.

The above is a case of Executive Jurisdiction and since one of the two laws must be void, the question of inconsistency between the two has no application. Only one Law will survive and other law will not survive. In the contrast, where the legislation passed by the Union and the State is on a subject matter included in the Concurrent list then the matter cannot be determined by applying the test of ultra vires because the hypothesis is that both the laws are constitutionally valid. In such a case the test to the adopted will be that or repugnancy under Article 254(2). It follows that it is only where the legislation is on a matter in the concurrent list that it would be relevant to apply the test of repugnancy.

**Financial Relations**: The financial relationship between the Union and the States is vital. The adjustment of this relationship is a continuous process. It is desirable that the divisible pool of tax be enlarges to make fund available to the states for the major programmes in the field of education, Agriculture, power, irrigation, health etc. The Finance Commission should be entrusted with determining both Plan and non-Plan grants for each five year period and the Union Government should that its recommendations as an awarded so that there will be no chance for Centre to discriminate among the States on Political considerations. Grants in aid may be given to States to enable them to cover the fiscal gaps. The Grants in Aid may also be given to individual States to enable them to meet special burdens on their finances because of their peculiar circumstances or matters of National concern. In order to ensure that the Centre State relations in India are placed on a healthy footing, it is necessary to reduce the present dominance of the centre in the fiscal field and enable the States to have a larger say in the matter. The following suggestions are made arrive at that end —
There is need to setting up on Inter-State Union Council on the lines provided for an Art. 253.of the Constitution such a body could bring about joint thinking and necessary co-ordination between Union and the States in matters of tax policy, tax avoidance and tax evasion which could be very fruitful in view of their joint responsibility for matters of financial policy under the auspices of this body and attached to this Council, there should be set-up a revenue and expenditure research cell which should constantly be work on the subject of the scope for better fiscal management, as also for economy consistent with efficiency which could be effected by the states and centre in their administrative maintenance, developmental and other expenditure. Such kind of cell could also be assisted by suitable experts drawn on deputation from the Central and State Finance Ministers. The periodic report of the cell could be discussed by the Inter-State Council and thus eventually lead not only to better Judgment of performance of State and Centre in terms of fiscal efficiency and formulation of measures for increasing efficiency but also result in suitable material which could help the succeeding Finance Commissions in their work.

The second suggestions made for improving Union States fiscal relations is to be enter the scope of transfer by devolution of taxes by amending the constitution to bring in central excise duties within the ambit of compulsive distribution and fixing the scare of the states at 50%. The Finance Commission, which already charged with the task of determining the share of individual States in the divisible process of income tax and excise duties should be put on firmer statutory footing than it has occupied so far. The Commission’s terms of reference should be spelt out in detail in the Constitution itself by amending it appropriately and the Union Government should be deprived of the power it presently exercises of adding at will to the terms of reference of Commission over and above what is contained in the Constitution.
The third suggestion would be confine the operation of grants in aid under art. 275 strictly for the purpose of redressing Inter-State inequalities in standards of general administration and social services. In a Country where there are such disparities between the States in the matter of administration, social services and of resources, it is not possible to escape federal grants for implementing minimum agrees standards over the Country as a whole.

Here again to prevent the development of a donor recipient mentality of the concern States and also to promote self reliance and effective utilization of their resources, it is necessary that these transfers or grants in aid should continue to be made by Finance Commission. The principles of distribution of amounts transferable to the States concerned for redressing inequalities standards of general administration and social services and securing a national minimum standards should be the subject of investigation and inquiry by as expert body and then placed before the Inter-Stats Union council for discussion and adoption by consensus after which it can be embodied in the terms of reference to the Finance Commission.

The loans constitutes a major source for financing the developmental outlay of both the Central and State Governments and loans have an important bearing on the public finance of both in respect of the revenue and capital expenditures. The position is also complicated by the fact that the State have to get the bulk of their loans from the Centre, which the Centre has option a large, portion of its loans from abroad. We need an organization, which will be specially in charge of loan- raising and loan-utilization whereas the existing position is confused with Reserve Bank. The Central Ministry of Finance, the Planning Commission, and to some extent the State Governments, all playing a somewhat uncoordinated role in this matter.

The Planning Commission and Finance Commission are the two bodies that are both responsible for transfer of funds from the Centre to the States on both revenue and capital accounts and for both developmental
and non developmental purposes. Their functions over-lap the material they collect on receipts and expenditure get duplicated with some inexplicable differences and the criteria they employ are different.

It is the high time that the whole question is reexamined by the Government of India and both the Planning and Finance Commission are placed on a firm statutory footing with clear-cut division of functions and responsibilities, and with provision for adequate consultation and proper coordination between them. Because of its dominance in the monetary sphere including both currency and credit the union is left with unfettered control of the monetary factors that affect price stability and this aggravated by its absolute power to set the limits of its own deficit financing.

Thus the consequences of action taken by the Union do not fall only on the Central Government but all the States Governments, are thus affected in their ability to find funds for their developmental expenditure or restrict their non developmental outlay by the center’s influences on the price level and cost of living. The only way to meet the situation is to bring both the Centre and the State under the much desired fiscal discipline and this is a matter that can be tacked only by setting up Inter State Union Council to which reference was made earlier on the lines provided for in Article 263 of the Indian Constitution.

Federal Financial relations between the Central Government and the states have often become a source of friction. A Constitutional Amendment needs to be enacted to allow States to be responsible for collecting corporate taxes. Some states have been magnets for foreign investment and are likely to be the future engines of economic growth in India. Currently, the State’s ability to grow is hampered by an obtuse tax system.

**Role of Governor:** The Office of the Governor, as conceived by the constitutional makers was entrusted with potentialities to develop as an instrument for making a vital and dynamics link between the Centre and States. The Governor has to perform his duty in conformity with the provisions of the Constitution. After taking over change as Governor of any State, he is to take
oath of office to preserve, protect and defend the Constitution. But it is a matter of great concern that from the very beginning of the working of the Constitution, the office of Governor has been used not to protect and preserve the Constitution but to defend the vested interest of party ruling at the Centre. This mishap was started in 1952 when the Congress Party came into the power, in the states except one State of Pepsu which remained under the control of opposition Parties. However, Pepsu was brought under President Rule through the instrumentality of the Governor and in the elections that followed congress formed the Government here also.

The abuse of the office of the Governor by Central Government was criticized by the opposition Party, since it was the first case of its kind in a small State, the subdued. But the second general election held in 1957 brought a major change in the arena of Indian Politics. In Kerala, the Communist Party of India formed the Government, and was doing well as a good Government. There was no political instability in the State. When all the attempts of Congress Party in Central were provide futile, the Governor’s Office was again used for toppling the Government. Since then the game of toppling the State Governments ruled by opposition has been in constant process. As the Congress has been in power for the longest period, it has used the office of the Governor many times for the partition ends of the Party. But the Janta Party also took chance to repeat this ill-conceived tradition established by the Congress and abused the office of Governor in 1977 to topple the Congress Governments in the nine States. Once again the Congress using the Governor’s office dissolved the four States Assemblies in 1992.

The above problem have created a tension in the States ruled by opposition Parties and thus Union-State relations have also been strained. Sarkaria Commission has recommended a very useful suggestions in this respect, even than looking the important role of Governor particularly in realm of Union-State relations. The powers of the President in the matters of selection and appointment of Governors should not be diluted. However, the Governor of a State should be appointed by the President only after consultation with the
Chief Minister of the State. Normally the five year term should be adhered to and removal or transfer should be by following a similar procedure as for appointment i.e -after consulting with Chief-Minister of concerned State.

The question whether Ministry in State has lost the confidence of the Legislative Assembly or nor should be decided only on the floor of the Assembly and nowhere else. If necessary, the Union Government should take the required steps, to enable the legislative Assembly to meet and freely transact its business. The Governor should not e allowed to dismiss the Ministry, so long as it enjoys the confidence of the house. It is only where a Chief Minister refuses to resign, after his Ministry is defeated on a motion of non-confidence , that Governor can dismiss the State Government . It a situation of Political breakdown, the Governor should explore all possibilities of having a Government enjoy majority support in the Assembly. If it is not possible for such Government to installed and if fresh elections can be held without avoidable delay, he should ask the outgoing Ministry (if there is one), to continue as a care taker Government, provided the Ministry was effected solely on a issue, unconnected with any allegations of maladministration or corruption and is agreeable to continue. The Governor should then dissolve the Legislative Assembly, leaving the resolution of the Constitutional crises to the electorate.

The problem of political break-down would stand largely resolve if the recommendations made in regard to the election to the leader of the house (chief minister) and removal of the Government only by a constructive role of no-confidence are accepted and implemented. Today, the case for a strong Union Government rest on the need to protect the interests of the small States against the bigger ones, to protect human rights all over the Country, to safeguard the interests and rights of minorities, to ensure that democratic rule and the will of the people prevent against any arbitrary power assumption by an unscrupulous oligarchy or the like and to ensure the needed transfer of resources and removed of economic growth imbalances and regional disparities.

Ideally, there is no dichotomy between a strong Union and strong States. Both are needed but the way the Union Government irrespective of the colour of
the Party in power – have operated during the last- over half a Century particularly under Article. 352 and 356 proclamation of Emergency and imposition of President’s rule in the States have weakened the case of the Union beyond repair.

**Demand for State’s Autonomy**: Federalism in the Indian context has to reconcile State Autonomy with the Parliament objective of maintaining the unity of the Country. The west Bengal memorandum’s basis approach seems clearly to remove the Constitutional bias in favour of the Centre makes the powers of the states plenary in their fields and keep the Center’s powers to the minimum. In complex task of governance, it would be idle to expect a typical classical federation anywhere in the world. It is the Central Government which is dominating partner in terms of powers and finances in the leading federations, the Central Government should not be weekend directly or indirectly but it does not mean that State Government should not get their proper shares. The cry of the State’s Autonomy did arise when they realized that they are not getting their rights which have been provided under the Constitution.

When the Janta Party came into power in 1977, there was again a demands for more Autonomy by the States because the leaders in Janta Government were duly in favour of State’s Autonomy. According to them States should also be strong as the Centre. When the Congress Party was in power before 1977 the some leaders were aggrieved from the central approach towards States in which Congress was not ruling. In this perspective on July 31, 1977 at the Chief Ministers Conference, the Prime Minister Morarji Desai said “A Strong Centre was a binding factor. At the same time a strong Centre required strong States.” He assured the Chief Ministers that, “The Centre would not in any way seeks to curtail the power of States. Indeed it will assist the States wherever they needed assistance.” In such type of assurance the States Chief Ministers could not get from other Prime Ministers when Congress ruled at Centre. In an obvious reference to what the Country had witnessed during the previous regime, Mr. Desai sounded a note of warning. “A strong Centre with weak States could lead to dictatorship .” The former Chief Minister of West
Bengal Mr. Jyoti Basu has been frequently demanding greater powers. At present too non Congress Governments in States have been demanding persistently on the same pattern.

No doubt after the Janta Party came into power in 1977 the views of the States were given considerable had not only in such important coordinating bodies as the National Development Council and the Planning Commission but also in the Statutory Bodies, notably the Finance Commission but much against the expectations of the State Governments, the leaders of the Janta Party especially those who were erstwhile Congress members, became strong defenders of centralization despite their commitment to decentralization before the Lok Sabha election, 1977. Even the positive response of the non Janta Chief Ministers was interpreted by a section of Janta leadership as undesirable polarization between States ruled by Janta and those ruled by other Political Parties. Mr. Morarji Desai then Prime Minister said that the constitution had been framed wisely and there is no need for revision in regards to Union States relations.

As a matter of fact no one would like to abstract the federal feature of the Indian Constitution and the basic feature of the Constitution in the regard is the co-operation between the Centre and the States. Such confrontation between these two Governments would cause irreparable loose to the nation as whole. The Union should be more careful in dealing with states affairs. In this perspective the most appropriate step is to satisfy states their genuine necessity. It has always been seen that those States Governments whose Party is ruling at the Centre, have less grievance with the Centre. But those State Governments which are of different Parties, have lot of complaints and problems with the Centre. The apparent reason behind this fact is that Centre discriminates in providing fiscal resources between the States ruled by the some Party and the States ruled by the other Party. This discrimination has given birth to the demand for States Autonomy. This discriminative approach of Centre must be given up and a fair look should be given in the connection.
**Interstate Council and demands of States:**

Federal Constitution is predicted on at least two orders of government – federal and regional which are Constitutionally allocated exclusive as well as shared Jurisdictions to say nothing of residuary powers for this reason, Inter – Governmental Agencies are an essential mechanism to negotiate, to regulate and formulate common policies at least in the policy areas of shared Jurisdictions. Besides such agencies, may also be necessary for Exclusive Jurisdictions for obvious reasons that in the era of cooperative federalism, the federal Government often uses its generally larger revenues to initiate centrally sponsored schemes of development and social policies with the consent of State Governments. Such schemes may be fully or partly funded by the Union and implemented by the States. In one respect at least the recommendation of the Sarkaria Commission was implemented i.e in respect of the formation of an Inter-State Council (ISC) under Article 263 of the Constitution of India. In June, 1990, the Inter-State Council was constituted by a Presidential notification at the time the National Front Government was in power at the Centre. The setting up of the Inter-State Council thus fulfilled a long – standing demands of the State Governments especially those ruled by the non Congress Parties for a body to resolve differences or disputes among the States or between the Union and States. In the context of duties of ISC, Article 263 of the Constitution provides as follows :- “If at any time it appears to the president that the public interest would be reserved by establishment of a council charged with the duty of-

- Inquiring into and advising upon disputes which may have arisen between States.
- Investigation and discussing subjects in which some or all of the States or the Union and one or more of the States have a common interest.
- Making recommendations upon any such subject and in particular, recommendations for the better conditions of policy and action with respect to that subject, it shall be lawful for the President by order to
establish such a council and to define the nature of duties to be performed by it and its organization and procedure.’’

The provision of Article 263 is inclusive and comprehensive. The Constitution does not envisage an executive role for the Inter-State Council. It ambit would be an admixture of consultative cognitive normative and advisory functions. The solution of the problem of Centre-State tension lies in cooperative federalism and that calls for continual consultation between the Union and States. The Constitution of India lays down the foundations of the device of a meticulous balance or approximate equivalence between the Union and States. It is assumes that equality of States or equality between the Centre on the one hand and the States on the other hand is not necessary pre-condition for cooperative federalism. Thus we see, the NDC, ISC, PC, FC, ZC, are the integral parts of the Indian federal structure, their utility is established beyond doubt. A few reforms can go a long way in making them more functional. These bodies can made more open and participative by providing for conference, even consultation and representation with affected interest and organization in the civil society. Besides procedural reforms, like holding regular and preferably in camera meeting with advanced agenda preparatory ground work and flexible ad consensual rule of business the most important structural reform that can be suggested as the NDC’s entrenchment in the Constitution and the merger of NDC and ISC as the key apex Inter-Governmental Agency.

Thus the practical experience of the working of federations has us to believe that for solving the complex problems of fast changing society of today, the Union and State Governments have to work with mutual cooperation rather than the conflict. Thus it is not so much the element of exclusiveness or autonomy that is the hall mark of federalism today as the element of centre-state co-ordination in different fields. This new type of approach has been nomenclature as “co-operative federalism”. The constitution also makes different provisions regulating the legislative, executive, financial relations between the union and states which have actually important that two sets of Government, Central and
State will work in coordination with each other. In present circumstances cooperative federalism has replaced the idea of comparative federalism.

The above discussion shows the Union State relation can only be strengthened by mutual co-operation and co-ordination with each other. In this direction both the Centre as well as the States have to show sincerity with the letter and spirit of the concerning constitutional provisions. The judiciary, it is expected has to play an important role to materialize the theoretical aspect of co-operative federalism in practical functioning. After looking the working of Union States relations since 1975 or so with caution, it may be too early to give a final verdict on the working of the federal government and more so on the ticklish problems of Union State relations. However, it can be concluded that in spite of certain problems the system has worked fairly well, and there is no reason for being angry. With the growth of multiple Party systems in our Country, the era of coalition Governments in recent years has started and there is no more one Party rule in Country. This has strained the Union State relations. But this may be passing phase and things will settle down in near future and here will be no more strained Centre State relations in the near future. The Sarkaria Commission is cautious about suggesting sweeping constitutional Amendments which could open a Pandora box, it advocates the adoption of conventions that would encourage greater devolution and decentralization all along the line. Thus, it merely recommended various measures that would encourage greater devolutions and decentralization all along the line. Thus, it merely recommend various measures that would enhance “co-operative federalism” in the areas of planning and fiscal relations as between the Union and the States, but seeks to establish the third tier of Government of primer foundations. Specially it recommends that Finance Commission at the state level to enable the State Government taken an objective view of resources to be devolved or transferred to the district. It believes that this function can be undertaken by re-designated State Planning Commission.

The Commission is of the view that “it is neither advisable nor necessary to make any drastic change in the basic character of the Constitution. The changes proposed by the Commission in the functional aspects of Union –State
arrangements are far more substantial. The more important of these relate to the role of Governor, reservation of State bills for consideration of the President, use of the extra ordinary powers under Article 256, 257 and 356, establishment of Standing Inter-Government Council with comprehensive character; National Economic and Development Council having a means with the Planning Commission formalized under Article 263; limitation on centrally sponsored schemes regarding subjects in the exclusive State field; State Finance, and Planning Boards, restraint on excessive occupation by Union of the concurrent field etc. The recommendations of the Sarkaria Commission, if implemented will go a long way to ensure smooth and harmonious working of Union State arrangements on principles of co-operative federalism. Normally a Commission with Judicial integrity and mature administrative and public experience should command a lot of respect and its report a lot of weight however our Country has better memories of so many Commission set up in the past.

Is it surprising then, that our people have become cynical and are losing faith In such reports and some would say that Commission are appointed only to take the heat off from uncomfortable and manageable situation. Some recent actions of the Government such as the appointment of Governors, imposition of President’s rule in the States have already attracted adverse comments. In a country like India with such a large size and with a perplexing diversity in Geography, language, race and culture, the stability of a democratic system depends largely on its ability to decentralize authority and build up self governing institutions of an integrated nature at all levels of administration. However in the view of the great and urgent need for rapid economic development of the country, as a whole, the further of constitution were compelled in assigning a predominantly leading role to the Central Government in the affairs of the Nation. They were justified in doing so in the context economic and social development in India at the time of framing the Constitution of the centralization becomes imperative for Political stability of the future here should be no problems. The structure of Indian polity has ultimately to be one based on the solid foundations of self governing local institutions at the village level which facilitate the building
up of a hierarchy of well knit and units of administration at every successive higher level. The process of democracy in India is inseparably bound with extent to which these local institutions are established and the manner in which they function in the years to come. Any Constitution is only a means to an end and not an end in itself. It has no sanctity. It must conform to the needs and convenience of the country and changing times. In an age like the present, when science and technology have made spectacular changes in the needs of human beings, no constitution can claim rigid permanence and at the same time be able to adapt itself to the changing condition.

The democratic federal set up of India to survive and its integrity to remain intact, our foremost task is to see that only men of integrity, knowledge and talent are sent to Legislatures, so that the nexus between Politics and crime is eliminated and the way is cleared for the fulfillment of the dream of father of Nation. It is submitted that it is not the Constitutional amendments but an honest and sincere approach, an unfailing eye on the paramount and supreme interest of the Nation while tacking the burning issues of the day; an inner urge to nurture and develop true democratic federal and co-operative spirit in Social and Political dealings; a firm determination and an iron will to eliminate poverty and reduce inequality; a flexible and sympathetic approach on the part of the Centre while dealing with the sensitive issues of the States. The future of Union State relations in India is bright. There should be the greater cooperation and co-ordination in the Union and States. The India should look ahead with confidence and entrusted in the 21st Century with greater vigor and should strive to show new democratic values besides inherent problems in the functioning of such a vibrant and diverse democracy.