Preface

Adoption of Federal structure in India was conceived as necessity to meet out the plurality of Indian situation. Elements of heterogeneity and plurality could be managed through bringing about reconciliation between national identity and those of constituent units. Federation was an answer to that. In political context balancing the relationship of Union and States become evidently important, particularly after 1975, the time when Emergency was imposed in the Country. The very dynamism of the system with all its checks and balances bring in its wake problems and conflict in the working of Union States relations. A medley of strains generated by such problems may strife the working of the system and endangers the unity and integrity of the Country. It is therefore necessary, to review it from time to time, in the light of past experience, the evolution of Union States arrangement not only for the purpose of identifying persistent problems and seeking their solution but also to attain the system to the changing times so that propelled by the spirit of common endeavor and cooperative efforts, it take the Country ever forward towards the social welfare goals set out in the Constitution.

In the scenario of working of Union State relations in India, it was envisaged that conflicts would arise and to mitigate such challenges, some structural devices were carved out for conflict resolution between the centre and States like provision of supremacy of the Constitution, independence of Judiciary, judicial Review, amendment process etc. However the inbuilt mechanism of resolution of conflict between Union and States did not prove to be adequate. This point can be elaborated by evaluating some of the important steps taken by various Governments during post Independence Phase.

A proper solution to the problem of the Union State relations demands and approach which will device a federal framework substantially different from that provided by the makers of the Indian Constitution. The Sarkaria in Commission (1983), no doubt in dealing with the problems had a sufficiently wide perspective, but its approach was limited to founding fathers its aimed at
correcting some of the distributions emerging out the functional aspects of the Constitution, but ignored the basic factors causing strains in the relations between the Union and the States, specially post 1975 period. The Sarkaria was failed to show a comprehensive understanding of the factors responsible for the change in atmosphere and an appreciation of the causes responsible for their growth, primarily because of its faith that Constitutional management itself will provide a satisfactory solution of the problem. It ignored the dynamics of prevalent context. The emergences of new factors in the form of regional culture have influenced the conflict resolution syndrome. This study is primarily looking into those processes emerging out of various situations.

Though there have been a number of studies about the centre state relations in India, most of studies are confined to the study and dynamics of the constitutional structure with emphasis on either the role assigned to the Centre in the Constitution. In recent years, the India Polity had severely distributed its democratic foundation sapped and the Centre-State power equation had faced a loat of problems. After the Independence the allocation of resources in India had been uneven and the five year Plans introduced since 1951, did not strive to change this pattern of development. So on the economic front there had always been frustration, disappointment and protest movements. This has strengthened the sub-national entities to launch regional movements, the wave of the surviving demands of these forces.

Indira Gandhi the Prime Minister of India announced on March 24 in 1983, the appoint of a Commission on Centre-State Relations under the Chairmanship of R.S Sarkaria. Indira Gandhi declared that the Commission would review the exiting arrangements between Centre and States keeping in view the social and economic developments that had place over the three decades. The report covers issues which have a direct bearing on inter-government relations in Legislative, Administrative spheres and also on the need for establishing a standing Inter-State Council under Article 263 of the Constitution, to ensure inter- governmental co-ordination. It also includes related
matters, such as role of the Governor, Emergency provisions, deployment of Union armed forces in a state to help to maintain Public Law and order, reservation of State Bills for the Consideration of President and All India Services. This report further covers inter-governmental relations concerning Socio-economic development viz-Financial relations, economic planning, National Development council, Zonal Council etc.

**Methodology of the Study**

The study has adopted the historical, descriptive, and analytical methods. In order to develop an overall understanding of the problem, an archival work has been done by consulting academic libraries as well as different national organization libraries at various places in India. The study is primarily based on the primary Documents, Government Reports of various Committees and Commissions and individual researches of the scholars, and secondary sources as books, articles in journals, magazines and newspapers pertaining to the Centre-State relations.

This thesis is divided into following five chapters. Chapter one deals with the evolution of Indian Federalism, Historical Background and provision has given in India constitution. Here concept of federation has defined. While tracing this perspective the historical factors about various Acts of Government of India were considered. The essence of federalism lies in a federal written Constitution, distribution of Powers between Central Government and State Governments and a federal judiciary, to adjudicate on inter-state or Centre-State disputes.

In chapter two Legislative relations in India has been studied. It is covering working of legislative relations. The Governor plays important role to functioning and resolving inter-state disparities and orders. The legislative power of the Union and states are envisaged in the Constitution. The Constitution embodies three legislative lists, the Union list, the State list and the Concurrent list. The striking feature regarding the residuary powers given to the centre has also been highlighted that though the Constitution recognizes the preeminence of
the centre in the legislative field, the States have also been assigned executive jurisdiction which give them an identity and viable status. It has also been emphasized that the Indian Parliament has been given power to cover the legislative field of the State list on the ground of expediency in the national interest under Article 249 of the Constitution.

Chapter 3 deals with Administrative relations between Union and State. It should be noted that Administrative relations connote a very a wide term almost every activity of the centre or the state government can be perceived and scrutinized under the this head. Executive powers over matters in Union list, as provided under Article 73 of the Constitution, and the exclusive executive powers to the state over matters in the State list under Article 162 of the Constitution, have been discussed at length.

It must be noted that executive power of the Union is vested in the President but as he is only a constitutional head, the executive power is exercised by ruling party and political considerations plat an important role in administrative decisions. Moreover, it has been emphasized that the Union government has been vested with formidable powers to issue directions to the States under Article 365 of the constitution also provides the centre with authority to enforce its administrative directions against a state if the latter fails to comply.

Chapter 4 deals with the financial relations between the Union and states as evolved by the Constitution. Provisions of Government of India act 1935 and other matters like taxation and effects of partition of the Country and needs of the future development which influenced the founding fathers of the Constitution in their deliberations have dealt with and have been critically examined. Role of Twelfth Finance Commission on the fiscal matters have been discussed .The recommendations of Sarkaria Commission have been studied.

Chapter 5 is covering various constitutional and the non-constitutional bodies which are engaged to maintained Union State relations in India. In this chapter role of National Development Council, inter-state council and Zonal Council have been discussed. Inter-State council, as provided in Article 263 of
the Constitution, should be made functional and effective without any loss of time, in order to iron out the differences between Centre and States and avoid frictions between them. Above all, we should know the true democratic spirit not only in political aspects but financial social aspects also.