CHAPTER VII

CENTRE-STATE RELATIONS WITH SPECIAL REFERENCE TO
ASSAM AND WEST BENGAL : A CASE STUDY

A. INTRODUCTION

The reason for selecting Assam and West Bengal as a socio-legal study of Centre-State Relations has already been mentioned in the introductory part of this work and no need is further felt for its repetition here. But by way of rider it can be added here that since it only forms a part of our investigation it will be dealt only in a very comprehensive manner.

The political conditions of the North East suffers from certain congenital defects, although the political arrangement of the North East with the federation of India is a fait accompli. The political instrument which brought the North East to the political map of the country are the Yandaboo treaty of 1826 and Manipur's instrument of
accession to the Union, which come into force on October 15, 1949. Bengal became the part of the British Empire at the battle of Plassey when Lord Clive defeated Sirajuddaula, the Nawab of Bengal. As Bengal was much advance both socially, economical and politically in comparison to the states of the North East there was no hue and cry for a special treatment of the state in the constitution of India. But such voice for the state autonomy could be heard in respect of Assam as early as in 24 March, 1924 when the legislative council of Assam passed the following resolution moved by Maulavi Faisnur Ali, the leader of the opposition.

The resolution reads:

"The Council recommends to the Government to request the Secretary of State for India and the Governor General in Council to take such immediate steps as may be necessary in order to establish a full responsible Government in Assam". ¹

During discussion of resolution which was carried by 29 votes as against 17, Sadanand Dowarah, another member asserted:

¹ Joshi Mohesh - Assam : The Indian Conflict. pp. 99-100.
By full responsible Government my friend means the provincial autonomy. But as the events rolled by the erstwhile state of Assam missed, possibly due to the lack of political pressure from the regional leadership, the legitimate special constitutional status, to which Jammu and Kashmir had been conceded. As the decades roled by with the acquiescence of North Easterners to their newly acquired political status in the national main stream, the drift has been taken for granted by the ruling party at the Centre although some germ of dissatisfaction remained in the minds of the people.

B. FACTORS PECULIAR TO ASSAM

Assam and more particularly the North Eastern Region of India occupies a different position in India than that of other States. Geographically, Politically, Socially and also Economically. Geographically, the North East India occupies a very strategic position in the map of India. It has got international boundary on four sides with different countries viz. China, Bhutan, Bangladesh and Burma. Thus the defence of North East India occupies a very strategic position.

2. Ibid. p. 100.
Politically, the frontier areas, excepting few plain districts of Assam, are inhabited by tribals who had not been touched by national movement. They have no loyalty to the nation. The tree of patriotism had to be planted, watered and manured by the Union Government.

But in case of people of the plain of Assam the regional patriotism was more prominent than nationalism in the mid of 19th century. It may be recalled that few Assamese patriots vis. Dewan Maniram Datta Barbhandar Baruah and Peali Phukan had been publicly hanged at Jorhat on 26th February, 1858 for attempting to overthrow the British regime and to establish Assam's sovereignty. Others who received sentences of transportation for life, for the same reason, on that day were Bahadur Gaoburha, Formud Ali, Madhu Mallik, Trinayan Butiram Baruah, Morngikhowa Gohain, Kamala Baruah and Mayaram Namir. An analysis of the list of names clearly indicate their diversity in religion, language, caste and creeds from which they had submerged for a common cause the last bid for regaining the native monarchy in Assam. But the national movement in India released many revivalist forces,


specially since the entry of Mahatma Gandhi in politics when the search for identity became synonymous with search for freedom. Then forces gradually waned the sentiment of regional sovereignty and the independence of India as a whole became the sole serving aim at that time for the cause of which few Assamese, viz. Khudiram, Kanaklata and few others gave their lives for the cause of India's independence.

Ethnologically, culturally and linguistically the people of North East is not very different from Mongoloids. These people therefore, radically different from the rest Indian stock which, therefore, necessitates a tenderer treatment than most other Indians. Such feeling was felt by the people of Assam as early as 1937. On 28 November, 1937, at Gauhati, the Assamese Deka Dal, (Assamese Youth Association) under the leadership of Madhab Chandra Bajbaruah, submitted a memorandum to Jawaharlal Nehru, who happened to visit Assam on that date as a President of the National Congress. The memorandum stated:

"We must tell you at the outset that it will not be doing justice to Assam if you consider Assam as one of the many provinces of India in the same sense as the Punjab, U.P. or Bengal are Indian provinces. Assam has become a part of India only since 1826, prior to which Assam was a separate country governed by Independent Kings having practically no connection with
the rest of India and civilization had grown quite independent and separate from the culture and civilization of the rest of India.\(^5\)

So, it can safely be concluded that the demands for certain state autonomy and some sort of special treatment was a preconstitutional demand of the Assamese people but which lost sight of in the post constitution period. But the fear complexion of dominance by the Union over the state of Assam however continued in the minds of the people. The balance of relations between the Union and the State of Assam continued to be disturbed since the very inception by fear complexion. This fear complexion was due to a past historical fact that the British occupation of Assam was almost immediately followed by -

(a) free gift of vast tracts of revenue free land for special cultivation to English Companies,
(b) special trading and commercial facilities to marwaris and
(c) free hand regarding court language and language in educational institutions to the Bengalis.

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The British bureaucracies was then fully conscious of obtaining moral support from the non-Assamese in order to strengthen its dominance in Assam. Madhab Chandra Bejbaruah was, therefore, anxious to get an assurance from the President of the Indian National Congress, Jawaharlal Nehru as early as 1937 to the effect that the congress would not be a party to the mass killing of Assamese Culture. But no satisfactory answer could be obtained.

Unlike Assam, Bengal had no such fear of dominance of their culture from outside as they were very much in the Indian National mainstream. They were culturally, economically and politically advance people. The partition of Bengal into West Bengal and East Pakistan only temporarily created confusion and uncertainty in the minds of the people. Even in the post constitution period so long as there was non-party rule in the centre and the provinces there was no stress and strains in the relation between the centre and the province of West Bengal. But with the capturing of provincial power by the left party we witnessed a strenuous relation between the centre and State.
No State in India ever witnessed the use of Art. 3 and 4 of the Constitution of India so frequently then Assam. The State of Assam was dismembered as many as five times and as many as four states and two union territories, were created out of Assam viz. -

(1) Assam

(2) Nagaland (by the state of Nagaland Act 1962) with effect from (1-12-1963) 6

(3) Manipur - created by the North Eastern Areas (Reorganisation) Act 1971 with effect from 21-1-1972, 7 and

(4) Meghalaya - created by the North Eastern Areas (Reorganisation) Act 1971 8 and was brought into existence in 1972.

The other two territories are -

(1) Mizoram - created by the North Eastern Areas (Reorganisation) Act 1971 9 with effect from 21-1-1972.

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7. See 5 of the Act.
8. See 5 of the Act.
(2) Arunachal Pradesh — created by the North Eastern Areas (Reorganisation) Act 1971.  

The responsibility of division of Assam into as many as four states and two territories can be put mainly to Assamese people, the Assamese elite could not realise the hard reality that as much as they fear domination by the Bengalis, the tribal population and the district hill committees could also fear domination by the Assamese. In fact, Assam at one stage had a very obtuse political leadership that totally neglected the tribal and hill population. So in a way Assam was dismembered for the failure of our leadership.

Application of Art. 3, although once, in case of West Bengal raised a very important constitutional issue. As per Indo-Pakistan agreement entered into in 1959, for resolving certain boarder dispute, transferred a. half of the area of Berubari of West Bengal to the Government of Pakistan. When the Union Government sought to implement the agreement a powerful political agitation started against the proposed transfer. Thereupon the President of India referred the case to the S.C. for its advisory opinion. The Supreme Court in its opinion has held that

10. See 7 of the Act.
under Art. 3(e) the Parliament has got no power to cede a part of the Indian territory to a foreign Government. Such action is possible only through the amendment of the constitution and not by ordinary legislation. Pursuant to the court's advisory opinion, the constitution. (Ninth Amendment) Act 1960 was passed to give effect to the agreement.

Thus, in 1947, when India became independent, Assam was a polyglot province consisting of diverse races, professing different tongues with no common consciousness of common end. "No where in the world is there so much diversity as in the North Eastern India." Of the 1652 known languages and dialects in this country as many as 442 languages and dialects are spoken or written in this region. All the religions of the world exist here. The ethnic differences are immense. As a result tensions existed and are existing in this region. This state of affairs generated sub-National movements. The various tribes made demands that they should become independent having their own states. The Nagas and the Mizoos took arms to achieve their end. To satisfy the political aspirations of the

tribals, Assam was dismembered into three states and two union territories mention of which have been made above. But this could not ease the situation of the political atmosphere in the region. Rather intra-states relation as well as union state relations continued to be not up to the expectation of the centralists nor of the autonomists.

Only in 1921, Assam was made a Governor's province. The Devolution Rules 1919 provided for separation of the subject of administration into two categories - Central and Provincial. As a result, there was some relaxation of the previous control of the centre over the provinces, in administrative, legislative and financial matters. Thus the Government of Assam obtained more powers by way of devolution from the centre. However, the central legislature retained the power to legislate for the whole country on any subject and hence the relaxation was only apparent. Under the Government of India Act 1935 there was clear division of powers and therefore, province had certain autonomy.

After independence and when the constitution of India was brought into force, the relations between the Union and States became complex.
The role of the head of the provinces i.e. Governor in the North East carries more responsibilities than that of any of his counterparts in other provinces of India as till 1980 he was the Governor of all the states in the North East. Now the two Governors, one for Meghalaya and Manipur and the other for Assam and Meghalaya has lessened the burden of Governor to some extent. Further the Governor of Assam has been made chairman of the North Eastern Council about which mention will be made later. But the non appointment of Governor for each state separately has become a source of dissatisfaction of the people of the region.

Like some other states of India, Assam and West Bengal are also not exception of the indiscriminate use of the President's Rule promulgated under Article 356 of the constitution. West Bengal experienced the President Rule for the first time when on 20-2-1968, the Chief Minister Sri P.C. Ghose resigned under the circumstance in which another stable ministry was not possible.

For the second time president rule was imposed in West Bengal on 20-3-1970 after the resignation of Ajay Mukherjee, the Chief Minister of the United Front Ministry.

and again on 25-6-1971 for the third time. West Bengal experienced President Rule, for the fourth time, on 30-4-1977, when on the advice of Janata Ministry of the Union, upon the supersession of the Sidharta Ministry and dissolution of the legislative Assembly, for the purpose of holding a fresh election, on the ground that at the Lok Sabha election held in March, 1977, the people of West Bengal had expressed total absence of confidence in the congress party to which the Roy Ministry belonged. In the view of the Union Government the state Assembly had ceased to reflect the views of the electorate. But strangely such Ministry (Congress-I) of Jammu and Kashmir had not been dissolved after the 1985 Lok Sabha election although people expressed total absence of confidence in the Congress-I party.

Assam also experienced the use of Art. 356 in an uneasy political atmosphere. On 12 December 1979 the Janata Government led by G. Barbara resigned in September 1979 following defection from his party which assumed office after 1978 election. The formation of alternative government was possible at that time. It was succeeded by a newly formed regional political party - Asom Janata Dal - consisting mostly of dissident Janata members. The Asom Janata Dal headed by Mr. Hazarika came to power with the

support of the congress, C.P.I. and the progressive Democratic Front. The Hasarika Ministry was reduced to minority when congress and C.P.I. withdrew support to it. Thereupon, on report of the Governor, the Ministry was dismissed, and the President rule continued till 6-12-80. It was reimposed on 12-12-80 as the formation of ministry was not possible even then by any party and the legislature was kept under animated suspension. Clouds of socio-political unstability gradually started shrouding the state due to mainly antiforeigners's movement in the State. The President rule continued till Congress-I Ministry led by Mr. Anowara Taimur was installed which resigned after about six months when it was almost certain that a bill introduced by the ruling party was bound to fail on the floor of the house. Subsequently, Sri K.C. Gogoi formed the Congress-I Ministry which remained in power only for 65 days after which, due to defection, finally the house was dissolved and the President rule was imposed on March 20, 1982 which continued till 1983 Assembly Election. After a witness of mass killing and general holocaust during, before and after election the Congress-I Ministry led by Hiteswar Saikia has been formed which started its function in a disturbed atmosphere and has been continuing till date.
Except for brief period during the time of Bishnuram Medhi es Chief Minister of undivided Assam, the relation between the State Government and Centre was always cordial. During his time the Government raised objection and put resistance by moulding public opinion against the taking of Assam crude oil to Barauni Oil Refinery. On other times also there were demands for higher royalty on crude oil, timber and tea, but they never created sour relation between the two Governments. But in no time people of Assam in general were satisfied with the indifferent attitude of the Union Government, towards them. The indifferent attitude, whether caused by centre's incapacity or neglect put everything under shadow atleast in the minds of Assamese people.

The coeval nature of the relation between the seat of the Union Government and the regional authority was never envisaged in North Eastern India, rather the domineering role of the centre was ungrudgingly accepted and continued. It is felt by a section of people that Assam is Balkanised or made a fiefdom only to fill the national coffers but its obligation is never discharged.

The reason of dissatisfaction was not unfounded atleast in the social, economic and industrial fields. During the last 35 years there is no substantial increase
of agricultural products in Assam reasons of which can best be attributed to non-availability of proper irrigation system. The production of rice which is the staple food of the people of the State rose from 914 Kg. per hectre in 1957 to 948 Kg. per hectre in 1976. Potatoes and Oil seeds show a downward trend of production (e.g. potato 4988 Kg. per hectre in 1957 to 4831 Kg. in 1976 and Oil seeds 438 Kg. per hectre in 1957 to 358 Kg. in 1976.

D. ECONOMIC RESOURCES IN ASSAM

So far as the economy of the state is concerned, the problem that Assam is facing is that despite of her rich minerals oil, forests, agriculture, pisciculture and water resources, the state has very weak base of economy. For example Handloom, Endi, Muga and Pat silk industries is still using the age-old non-mechanised skills. Assam gets Rs. 63.00 per tonne as royalty of its crude oil, while central Government gets Rs. 864.00 per tonne as excise duty. The present price of crude oil is Rs. 1600.00 per tonne, crude oil from Assam is taken out by 1156 Km. pipe line from Moonmati to Barauni in addition to 416 Km.

19. Ibid.
pipeline from Maharkatia to Gauhati to be processed at Barauni Refinery eventhough the refining cost per tonne of crude is 1.7 times more the cost of such processing in Gauhati Refinery. Assam produces about 60 million cft. of natural gas a day and yet it has only one Fertiliser Factory at Namrup, D.M.T. Plant at Bengaigaon and a small methanol plant at Namrup which consume only a fraction of above gas. Lack of proper utilisation of such gas results burning of Rs. 1000.00 crores worth of such gas annually i.e. 30 million cft. is burnt out per day. Below is given some statistics of annual production of mineral resources, Tea Industry and forest products.

Annual production of Mineral Resources and Tea in Assam. -

1. Crude oil (60% of Indian product) 4296000 Tonne.
2. Value of crude oil - Rs. 840 crores.
3. Royalty received by Assam - Rs. 33 crores.
4. Royalty earned by Barauni Refinery from Assam Crude oil - Rs. 60 crores.
5. Natural gas produced per day - 60 million cft.
6. Gas burnt out per day productively - 30 million cft.

Tea Industry:
1. Total No. of Tea gardens - 756.
2. Production - 55% of Indian Tea.
3. Tea deat through Guwahati Auction market -
   1/9th of the total production, rest 8/9 of
   the production is sold through Calcutta and
   London auction markets.
4. Value of Tea produced annually - Rs. 400 crores.
5. Royalty received by West Bengal - Rs. 42 crores.
6. Royalty earned by Assam - Rs. 20 crores.

Forest product and Industry (Plywood):
1. Yearly production - 60% of the total
   production of India.
2. Yearly tax earned by Centre from Assam
   Plywood - Rs. 6 crores.
3. Yearly tax received by Assam - 35 lakhs.
4. Value per cft. earned by Arunachal - Rs. 17.00
5. Value per cft. earned by Assam - Rs. 10.75.

The above statements show that a bulk of taxes
which should by right come to Assam accrue to West Bengal
by virtue of a number of Assam based tea companies having
their registered office in Calcutta and also through
West Bengal entry tax on Assam Tea, a considerable amount
of royalty on crude oil goes to Bihar and in addition to
this the centre earns substantial amount of royalty on crude, timber, jute and foreign exchanges on tea. Another important matter vital to the growth and development of state's economy but long neglected by the Union Government is the communication of the state with other parts of the country and different places within the states. It is only recently that the centre has taken initiative in introducing the Broad-Gauge Railway line to this part of the country. The length of the Brahmaputra (i.e. 1400 Km.) is double of the Ganges (i.e. 700 Km.). But there is only one bridge, one under construction and another proposed over it, whereas there are 19 bridges over the Ganges.  
It is a matter of great sorrow that the Brahmaputra could not be tamed during the last 35 years although it has been creating havoc to lives and properties worth of several crores every year.

Whatever may be the dissatisfaction, this warrants scrutiny in the Indian Context. The sentiment of sub-nationalism should not be allowed to undermine the Indian nationalism. While assessing the needs and development of a state, mere comparison with the needs

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and development of other states of India is not sufficient unless density of population of states and utility from all Indian context are also taken into consideration. Judging from that angle people of Assam can never claim construction of 19 bridges over the Brahmaputra, but certainly one is not sufficient for the development of a state. Similarly, mineral resources are not the exclusive property of a state, it is property of the whole nation, and therefore, Assam crude oil is not the exclusive property of the State of Assam, but the demand for royalty at par with the other states can not be called unjustified. The Government of Assam suggested to the 7th Finance Commission that 90 percent of the net proceeds of income tax should be assigned to the states; that the state's share in the Union Excise duties should be increased to fifty percent of the net proceeds. Seventy five percent of this amount should be distributed among the states on the basis of population and rest 25 percent on the basis of backwardness. The Finance Commission did not accept the suggestion of the Government of Assam. It recommended that the net proceeds of the Estate Duty in respect of property, other than agricultural land should be distributed to proportion to the gross value of the immovable property

and property other than immovable property, taken together located in each state and brought under assessment. The commission also recommended that the net proceeds of the excise on sugar in each of the years from 1979-80 to 1983-84 should be distributed after retaining $3,271 percent of the excise and $2,409 percent of the amount available for distribution was allotted to Assam. Similarly, the net proceeds of additional duties of excise on textiles and on tobacco in each of the year from 1979-80 to 1983-84 after deducting certain amount should be distributed among the states and out of these Assam was allotted $2,298 percent of excise on textiles and $2,297 percent of the tobacco amount. Share of Assam of the grant-in-lieu of the tax under the Railway passengers Fares Act, 1957, is $2,46 percent of the tax so collected. Besides these, Assam's share in the income tax ($2,522 percent of the divisible pool), Union Duties of Excise on articles other than those mentioned above ($2,793 percent of the duties), grant-in-aid of Revenues and Plan grants are not insignificant. Further, State Government also received grants from the National Co-operative and Development and Warehousing Board, the Indian Council of Agricultural Research, the Indian Central Jute Committee and the Handloom Board. The Central Government also assisted, the state Government, whenever there was a natural calamity like earthquake, floods, famines and draught. These amounts varied from time to time.
Taken into account all these central assistances to the Government of Assam it must be admitted that it is not justified to make a hasty remark against the central assistance to Assam.

E. LEGISLATIVE STRESSES AND STRAINS

The legislative relation between Assam and the Union never created a sour relation during the last 35 years. During 1971 to 1980 following are the bills passed by the state legislature, bills which received President's assent after reservation of the same by the Governor under Article 200 of constitution and bills directly passed by the President during President's Rules for Assam.25

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of bills passed by State Legislature</th>
<th>No. of bills assented by the President</th>
<th>Bills passed by the President</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>29</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>1972</td>
<td>30</td>
<td>7</td>
<td>-</td>
</tr>
<tr>
<td>1973</td>
<td>19</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>1974</td>
<td>27</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>1975</td>
<td>16</td>
<td>4</td>
<td>-</td>
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<td>1976</td>
<td>21</td>
<td>5</td>
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<td>1977</td>
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<tr>
<td>1979</td>
<td>15</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>1980</td>
<td>1</td>
<td>6 (by the Parliament.) 6</td>
<td></td>
</tr>
</tbody>
</table>

From the above figures it appears that reference of state bills for President's assent under Article 200 by the Governor in respect of Assam is also not unreasonable. Only exception is in respect of bills of 1980 when the state legislature was put under animated suspension. During that period the parliament had to pass the Assam
State Legislature (Delegation of powers) Act. 1997 to confer power on the president the power of the legislature of the State of Assam to make laws. In pursuance to the power conferred by section 3 of the said Act the President passed as many as six Acts for Assam in a situation when there was no alternative. But the Governor should have used the power of reservation of bills for President's assent as sparingly as the constitutional provisions envisaged mention about which has already been made while discussing legislative relation earlier.

**P. WEST BENGAL CONSIDERED**

In case of West Bengal it is alleged that states bills reserved for president's assent is inordinately delayed by the president which sometimes defeat the very purpose of passing the legislation. This is because of

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the Lacuna of not providing time limit as to which such bills reserved for President's assent under Article 254(2) should be returned to the State. For examples as many as seventeen bills passed by West Bengal Assembly in mid 1980 were not assented to till August 1981 and from other West Bengal Bills presented in 1980 were not assented to till September 1983. But it should be noted that the case of West Bengal is not an isolation one. Delay in giving assent by the President to the State's Bills is also equally true in respect of other State's Bills. For example, the Assam Purchase Tax (Amendment) Act. 1971 received President's assent only on 27 January 1972. The Assam Finance (Sales Tax) (Amendment) Act. 1971 received assent on 27 January 1972, the Assam Fixation of Ceiling on Land Holding (Amendment) Act. 1970 received assent on 24 March 1971 and soon. This indicates that step-motherly treatment is not meted out by the President in giving assent to the West Bengal Bills on ground that state is governed by a left front Government which is a, often made criticism.

G. WEST BENGAL MEMORANDUM

The Cabinet of West Bengal in its meeting dated December 1, 1977 adopted a memorandum on Centre-State Relations suggesting a review of the existing scheme so as
to restructure the same. While forwarding the memorandum
the Chief Minister Jyoti Basu wrote:

"..... the unity of our country has been subjected
to considerable strain during the last few years.
This in our view, has been caused mostly by an
over-bearing and, if I may add, absessive pre-
occupation on the part of those who were in
authority at the centre to concentrate all powers
and responsibilities in their hands. The
consequence was a deviation from democratic norms,
aggravation of tension and distrust, and denial
of the rights of various economic and social and
cultural groups......"

To reverse this process some suggestions were made in the
memorandum. The basic premise underlying this document was
that "the constitution, though described as federal, was
essentially unitary in character. Hence the inclusion of
"federal in the preamble was suggested. But there is no
instance of taking advantage of the absence of the word"
"federal" in the constitution by the centralists.

As to Legislative relations it was suggested the
vesting of residuary power\textsuperscript{29} in the states, curtailment of
Parliament's power under Article 149 to legislate on any
subject of state list, and the recasting of the three lists
of the seventh schedule, the desirability or otherwise of
such amendment has been fully discussed in our previous

\textsuperscript{29} By making amendment of Seventh Schedule and Art. 349.
part on legislative relations between the Union and the States. The other suggestions are as follows:

(i) The states to have greater say in the planning process and regulations of industries;
(ii) the bills passed by the state legislatures should not be reserved for President's assent;
(iii) All India Service personnel working in the states to be under supervision and control of the State Governments;
(iv) Central Government should not deploy Central para-military forces in the States;
(v) Emergency provisions enabling the Centre to interfere in the affairs of the states be removed;
(vi) Complete financial autonomy to the states be given;
(vii) Change in the system of election to Rajya Sabha;
(viii) The amending process of the constitution to be more difficult;
(ix) Change in the name and area is to be affected only with its consent.
It will be proper to examine the justifiability of these demands in the light of historical necessity, about which discussion has been made in our chapter II of this work, socio-economic and political conditions which warranted articulation of the existing constitutional provisions, about which discussion has been made in the preceding chapter. As to the transference of residuary power from the centre to the states it has been pointed out in the preceding chapter \(^{30}\) that one of the reasons of the American Civil War was due to the vesting of residuary powers in the hands of the constituent states. This lesson forced the Canadian to vest the residuary power into hands of the centre. The Russian Constitution also followed the suit. Since conditions prevailing in India is not much different from that of the USSR, transference of residuary power from the centre to the states will not be justified. The arguments against parliaments' power to legislate in the state subject is equally not tenable. \(^{31}\) But the allegation against the reservation of State Bill by the Governor for President's assent deserves serious consideration in as much as that the President can defeat the very purpose of the State Bills by exercising his "Pocket Veto" to the bills. Moreover, reservation of very State Bills on concurrent subjects for the President's

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\(^{30}\) Supra. Ch. III. p. 76.

\(^{31}\) Supra. Ch. III. pp 34-36.
assent by the Governor also defeats the very object of Art. 254(2). From this point the West Bengal document on this point deserves serious consideration. It is the practice followed by the Governor which offends the objects of Art. 254(2).

Regarding All India Service, deployment of Central para-military forces in the States, Emergency provisions, complete financial autonomy, etc. have been dealt with in detail in our preceding chapters and it is needless to repeat the same here as what is applicable to other states is also equally applicable to Assam and West Bengal. The memorandum is important in so far as it generated a good deal of public discussion and national debate. But it may be commented that while it took extreme position in some cases the issues were not well articulated. Sri Jyoti Basu in his forwarding letter rightly observed:

"The points stressed in it (memorandum) need not be considered as definitive nor an irrevocable enunciation of dogmas on our point. We would like our draft merely to form the basis of a wide ranging discussion at different levels".

The dismemberment of Assam and the creation of four states and two Union territories out of it, created a problem of consideration of development programmes of the

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different political units. To solve this and few other
problems the idea of establishing the North Eastern Council
was conceived in 1968 and it was established on August 1,
1972. Such a long period was taken because the idea
created a suspicion in the states and union territories
in the region, that the Central Government was inventing
a device with a view to impose its will on them. The
Government took long time to convince them that the Council
would be merely an advisory body and the states and
territories are free to be or not to be its members. The
council was constituted mainly for twin purposes viz.
defence of North Eastern India and its development. The
reasons as to why a council had become necessary, while it
was not felt necessary for other parts of India, for defence
and development can be attributed as follows:

Geopolitically the North Eastern region is very
strategic for the defence and integrity of the whole country.

Fragmentation of North East into small units and
underdeveloped condition necessitated a co-ordinated and
concerted activities for rapid development and proper
utilisation of funds made available by the central
Government.

33. Rao, V.V. and Miru Hazarika - A Century of Government
and politics in North East India (Vol. I) p. 218.
Some common problems such as flood control, power and transportation require co-operation and concerted action of the units for the best and beneficial solution of problems and this can be achieved through an organisation like NBC.

Although the seven political units comprising the North Eastern Region are separate political units, no amount of political separation can undo the geographical factors. For planning and developmental purpose the entire region may be treated as one unit. Further, it was necessary to alleys the fear caused by constitutional working that "The bigger states will have greater advantage and the smaller states will be gradually pushed to the well". 34

The communication is not fully developed. Access from one part of the region to another or to the outside world can only be through the third part. People have witnessed broad gauge railway only during eighties of twentieth century. People of some areas have not yet seen railways.

Some of the services like power and communications require a wider area. The European Economic Council is an example for this. Any meaningful and long range and large

34. Phukan, Girin - Assam Attitude to Federalism. p. 145.
scale programme of economic development in this region require a wider area. Raw materials may have to be imported from outside. Finished products require markets as the states where articles are manufactured cannot consume the entire produce. This is particularly true of hydro-electricity. The places where electricity can be produced cheaply lie in the areas which are not capable of using the power productivity. To bring about rational distribution of power a common organisation is necessary.

Further, to avoid overlapping and duplication of efforts on the part of units and consequent wastage of public funds a common organisation is necessary.

There is immense diversity in this region the like of which we donot find anywhere in the world. Diversity is a divisive force. Such diversity generated the language movement of 1961, medium of instruction movement of 1971, and movements for creation of Nagaland, Meghalaya and Mizoram. There is need for the leaders of various groups to meet one another to discuss various common problems. The North Eastern Council provides excellent opportunities to the Chief Ministers to meet together periodically and settle common disputes.
In a nutshell the North Eastern Council is expected to be a mediator, moderator, compromise, conciliator and advisor for the whole North Eastern Region.

The North Eastern Council came into being vide provision of the NEC Act. 1970. The Council consists of all the Chief Minister, all the Heads of the States and Union territories. The seniormost Governor is the Chairman of the Council. It meets once in six months. For the implementation of the decisions of the N.E.C. there is Secretariat.

The Council is an advisory body. It tenders advice mostly on matters of common interest to one or more states represented in the Council.

H. CRITICAL APPRAISAL

In the matter of Union-State Relations in the North East a hypothesis can be drawn that the North Eastern Council is serving as a Liaison officer between the Union

Governments add the constituent units of the region. Moreover, it is working as an additional force for development. For example, in the Fourth Plan when the N.E.C. was established, a nominal sum of Rs. 28 lakhs was spent in 1973-74. In the Fifth Plan a sum of Rs. 100 crores was placed at the disposal of the N.E.C. and under the Sixth Plan it is Rs. 340 crores. This is in addition to the planned money allotted to the different constituent units. Thus from the point of allotment of funds, the centre has been generous and the fear of the people of the region that the centre is likely to exercise its dominance through the Council is wrong.