India won independence because of the united and untired struggle waged by its people and became more unified in the course of it. The British who had introduced Steam Engine and Railway became the unconscious tool of history in inaugurating the process of integration although the germ of divide and rule rooted in India only during later time of their rule in India. The industrialisation of the country, the pace of which was somewhat quickened during the years of the two world wars, led to the emergence of the new classes of the bourgeoisie and proletariat who too played their roles in cementing the unity and furthering the integration of the country. During the later period of the freedom struggle, from twenties onwards, and particularly during thirties and the 2nd World War, the ideal of an egalitarian society vaguely based on the socialist concept imparted dynamism to it and helped counter machinations of the foreign rulers who mainly relied on religious fanaticism, communalism, regionalism and separatism to destroy unity and weaken the freedom struggle.
The British policy of divide and rule became more and more accentuated as the freedom movement attained more and more sweep and ultimately culminated into the vivisection of the country into India and Pakistan, the fratricidal strife and colossal communal massacre that heralded the birth of free India put as a notice of impeding perils and obstacles in the way of our progress.

The prime object of British rule in India was economic exploitation and when we broke out of fetters of direct political domination, the strategy of our erstwhile masters and their latter day successors, who wanted to perpetuate their domination was to encourage confrontalist postures and aggression by Pakistan.

In view of this dire situation, the founding fathers of Indian Constitution had before them the twin task of providing for a strong centre, which could weather all storms and to base them on strong units which ensure the right of the people of different regions for development and progress. It was a stupendous task which had no historical parallel.

The arduous task of constitution-making was taken up at a very critical time when the country's security was gravely threatened, and in the backdrop of disorder and
disunity, abysmal poverty and colossal underdevelopment, religious diversity and social heterogeneity marked by the institution of caste system, numerous backward classes, weaker sections and the vicious and unpardonable practice of untouchability, cultural pluralism marked by the concentration of distinct cultural groups in the various geographical regions, numerous well developed regional languages, and absence of commonly accepted national language and presence of cultural, linguistic and religious minorities, and the acute felt need of modernising the social, economic and political institutions, and the deeply entrenched forces of inequalities, inequities, injustices and exploitation. It is indeed a glowing tribute to the grit, determination, tenacity of will and purpose and unswerving devotion of the founding fathers to the country's cause of liberty and free political institutions they were not disuaded from their task of constitution-making and honour India's long-standing tryst with destiny by providing India with a new constitution to fructify the goals of social revolution and usher in a new social order. A thorough probe into the sociological forces that tremendously influenced and shaped the constitution will be of immense help in understanding the rationale of the various provisions of the constitution and establishing conclusively that the Indian constitution is a unique synthesis of the western impact and indigenous sociological forces.
The constitution of a country is a historical product and in no country constitutions are made in isolation. Both in the making and actual working of the constitution, social environment plays a very powerful role. Thus it would be in the fitness of things to study the formulation as well as the actual working of the constitution in the context of country's social setting. As such any approach to the study of Indian constitution should be guided by the sociological forces that have gone into the actual framing of the constitution. This is equally true in case of study of centre-state relations. A study of the political and constitutional evolution of modern India goes a long way in establishing beyond doubt, that the national movement in the pre-independence era played no small part in creating and sustaining forces—social and political, that later came to play a crucial role in the actual working of the constitution. In fact the nationalists demanded the formation of the constituent Assembly on the basis of universal adult franchise for framing free India's Constitution. But the British response was not very encouraging. It was the down of independence that enabled India to proceed in the direction of framing the Constitution.

In undertaking a socio-legal study of the centre-state relations it is absolutely necessary to bear
in mind the western impact on India, British legacy and noble and stirring ideals of the freedom struggle. The determination of the leadership to get rid of undemocratic and illiberal aspects and features of the traditional social system and to overhaul the social system to ensure the modernisation of the social, economic and political institutions played key role in shaping and influencing the ideological and institutional ingredients of the constitution.

In this context it is equally important to take into account the agonising and frustrating experience of the interim national government, 1946-47, and political, administrative and constitutional and social and economic problems created by partition. Because these developments and problems brought to bear enormous influence on the actual making of the constitution. Similarly, political, constitutional and administrative impact of the accession of the princely states to the Indian dominion was of no less important in the framing of the constitution. Peculiar and special social, economic, political and administrative problems influenced considerably the thinking of the Constituent Assembly in devising the Constitution. The determination of the leadership to allay the fears of the religious, linguistic and cultural minorities also influenced the actual shaping of the
Constitution. The centripetal forces that were at operation at the time of framing the Constitution and the pressing need for combating disruptive forces and preserving intact the country's hard won political freedom and unity came to exert profound influence in determining and shaping the governmental system, particularly at the central level - a strong centre in a federal structure under the new constitution.

The leadership of the national India had developed implicit faith in the western liberal political traditions and values. It was this implicit faith in the western liberal political traditions that influenced in a very meaningful manner a host of provisions of the constitution relating to the purpose of the state, relation between union and states.

The Indian federal system is in contradistinction to the classical federations as the former was not the outcome of any agreement among the member of states that were hitherto politically independent and sovereign. The unitary character of British India and its highly centralised political system in the pre-independence era notwithstanding the federal system unsuccessfully sought to be introduced by the Government of India Act. 1935, and political and constitutional set up of the provinces
in British India and the Princely states and the doctrine of paramountcy that characterised and regulated the relations between the Princely states and the British power, the predominance of the centripetal forces and centralising tendencies at the time of constitution making and the imperative need of combating the disruptive and centrifugal forces greatly influenced the character of constitutional provisions governing centre-state relations in India. It is flexible federation, and co-operative federation is writ large on face of the new state of India. Although the territorial integrity of the constitutional units is not guaranteed, they are not reduced to pitiable and helpless position of constitutionally mutilated and politically pauperised mendicants crawling under the centre's authority. The determination of the constitution-makers to emphasise and ensure the political viability and integrity of the new polity was in no small measure responsible for deciding the very nature of the polity. The blanket power conferred by Articles 2 and 3 on the Union Parliament was not designed to enable the centre to act vindictively to violate or take away the territorial integrity of the units. But it is aimed to use it cautiously and discreetly whenever it becomes necessary to set right or undo, highly anomalous situation wrought by the accidents of the history of British imperialism in
drawing in an incredible and haphazard manner the boundaries of provinces and territorial units which in many a case a conglomeration of the linguistically divorced groups. (However, the non use of the articles inspite of its use, warranted by prevailing situation e.g. in Bihar, U.P. and Madhaya Pradesh, is a different matter purely politically motivated one ). Thus the failure to recognise in too explicit a manner the territorial integrity of the units was warranted by the imperative need of emphasising the indestructible character and political viability of the new polity of India and the dire need of rectifying the abnormal and haphazard territorial boundaries created by British imperialism. Thus, in regard to the territorial integrity of the component units it would be more appropriate to say that the point is not the conspicuous absence of territorial integrity of the units but the constitution is noncommittal and less categorical in this respect.

In respect of the constitutional status enjoyed by various territorial units as the constituent units in a federal setup there should not be any markedly discernible difference between one constituent state and another. This is indeed ideal and desirable from the view point of the satisfactory and proper functioning of a federal setup. But it would not be practicable to
ensure this with mathematical accuracy in all federations and under all circumstances. The rationale of this becomes crystal clear in the case of the Indian federal setup. The peculiar and unusual position enjoyed by Jammu and Kashmir under Art. 370, which is in contrast to the constitutional position of all other units in the Indian federal setup, special provisions with regard to the states of Maharashtra and Gujarat in terms of Art. 371, special provisions concerning state of Manipur, special provisions concerning state of Andhra Pradesh pursuant to Art. 371 D and some other special but unusual provisions cannot be explained in their proper perspective unless such pertinent factors as the extra-ordinary situation created by inordinate delay in acceding to the Indian dominion and unusual demands made by a distinct cultural, religious and politically vociferous minority in the case of Jammu and Kashmir, need to overcome regional imbalances in regard to economic development and equitable opportunities for education and jobs, the unique anthropological, sociological and cultural problems of the Naga Hill Tribes and their laws and customs regarding their religious and social practices; peculiar sociological, cultural and economic problems of the tribal areas in Assam needing special care; similar problems of Manipur; acute regional rivalries and differences in the economic, industrial and educational spheres requiring special attention will
become clear and manifest when the aforesaid provisions are viewed objectively in their proper perspective. These aforesaid special provisions will go in a long way in establishing the extraordinary influence brought to bear by some of the pertinent sociological problems and forces on the framing and working of the constitutional provisions governing the relation between the union and the states.

Social and religious heterogeneity and diversity, need to bring together the provinces in British India and the princely states, and the pressing need of bringing the regional economic imbalance favoured a federal political system. The need to adopt a federal polity in India goes back to the late 1920s. Right from 1928 all constitutional proposals emanated from the official and non official quarters favoured the introduction of a federal polity in India. But the federal polity that was supported by congress in the pre-independence era was greatly influenced by the Hindu-Muslim antagonism and the congress backed the federal scheme to appease the Muslims in its attempt to preserve intact the political unity of the sub-continent. Consequently the resultant federal scheme envisaged a very fragile centre and vesting of the residuary powers in the provinces. This was the constitutional thesis underlying the federal scheme that came from the British quarters. As the congress stood for independence for the entire subcontinent and wedded to the idea of preserving at
any cost the unity of the subcontinent it acquiesced in such a curious federal scheme. Neither the federal scheme envisaged by the Government of India Act, 1935, nor the scheme contained in the Cabinet Mission Plan of 1946 could have proved successful and found a satisfactory solution to India's political problems in the long run.

The dawn of independence and plenary power conferred on the Constituent Assembly to frame India's Constitution and the formation of Pakistan considerably strengthened the hands of the Congress leadership and the Assembly in framing constitution which resolved to preserve at any cost the country's unity and hammer out a federal solution. This resulted in creating a sufficiently strong and reasonably flexible federation which vested the residuary powers in the centre which was in contrast to the federal scheme envisaged in the pre-independence era. In fact, the even increasing centripetal forces at the time of framing constitution and the imperative need to check-mating the centrifugal and disruptive and parochial forces invariably resulted in creating a centralised and strong federal system under which centre was given a pivotal role to play in the constitutional and political system of the country. Agonising and frustrating experience of the interim Government and the Government in the aftermath of independence and gigantic problems-social, economic, political and
administrative-greatly influenced the federal scheme under the Constitution. Whatever constitutional aberrations and unusual features that are found in the federal system could never be explained convincingly and satisfactorily unless due consideration is given to the social, economic and political forces and considerations that influenced the framing of federal scheme. The federal scheme hammered out by the framers is not only strong and centralised but flexible too and its theme is co-operative federalism which is discernible throughout the scheme. The federal system is flexible in the sense that it has endeavoured to overcome the twin defects of rigidity and legalism from which the U.S. and Australian federations have suffered much.

The challenging demands and complex problems of highly heterogeneous social system proved convincingly that absolute federalism of the type originated in U.S.A. Switzerland and Australia not desirable, practicable and advisable in the Indian Context. Apart from this, the conspicuous absence of the genuine national spirit rather dominated by sub-nationalism, also obliged considerably the constitution makers in modifying suitably the orthodox federal system.
The most outstanding feature of the federal political framework in India is that within the constitutional framework both the centre and the state governments exist, pursuant to vary elaborate procedure laid down by constitution, three lists are provided: Union, State and concurrent. Over the first and the second the parliament and the state legislatures respectively are competent to legislate. The executive authority of the Government is also co-extensive with the legislative power of the said Government. But neither executive power, nor legislative power are, after such division, put them in water tight compartments. Over the concurrent list both the Union parliament and the state legislatures are competent to legislate but subject to the precedence of the Union law over the State laws in the event of the conflict of laws. Added to these three exhaustive lists, the residuary powers are vested in the centre. Under the scheme of distribution of powers, the balance is tilled in favour of the centre and the centre's legislative paramountcy is conspicuous. The centre can encroach upon the State's legislative sphere both in normal and abnormal times; it can legislate on a state subject at the request of two or more states,¹ and the centre can also legislate.

¹ Art. 252.
covering even state subjects, if the same becomes necessary for the implementation of international agreements. Bearing in mind the element of flexibility which is a unique feature of our constitution and the object of these Articles that the avowed purpose underlying these articles is not to authorise the centre to intervene in a rough shod manner in a domain exclusively reserved for the states but to make it less difficult for the centre to act swiftly to maintain uniformity in certain matter, it is difficult to suggest amendment to these constitutional provisions.

Few of the five amendments which affected Union-State Relations, are desirable, as some of them were mainly to clarify the constitutional provisions governing the legislative relations and did not swing for or against the centre-state legislative relation. It may be concluded that the amendments to the distribution of legislative powers was not so much with an aim as to ease the tensions between the Union and


   7th Amendment Act. 1956.
   42nd Amendment Act. 1976.

States as with the object to suit political party in power instead of 'we the people of India'. Some of the amendments more particularly 42nd amendment which even did not follow the normal procedure for amendment, instead of bringing harmony between the Union and constituent units, antagonised the units and watered down the sense of co-operation which is aimed throughout our federal scheme.

After the last amendment affecting the Union-State Legislative Relations nearly eight years have passed and the party in power at the centre witnessed change and rechange bringing in more tensions and conflicts in the centre-state relationship resulting certain secessionist movements initiated by regionalism and regional elites. Whatever may be the objects of such amendments the best course of action should have been to have followed the normal procedure for amendment and to mould public opinion before such amendments were initiated at least for the healthy co-operation between the Union and States.

The autonomists demand for transfer of residuary power from the centre to the state is a radical one and will strike, if such demand is conceded, at the root of
the Indian pattern of federalism. Such demand might have overlooked the historical lesson that can be had from the working of other federal constitutions of the world.

From the point of purposes for which the Governor is empowered to reserved Bills of state legislature for the consideration of the President, no suggestion as to the repeal or amendment can be made. The two purposes of Arts. 200 and 254(2) i.e. to protect the position of the High Courts granted by the Constitution and to remove legal rigidity of division of legislative power between the Union and the State, are reasonable and necessary. The suggestion of critics for repeal of these provisions is untenable so far as object of these Articles are concerned but requires serious consideration from the point of practical working of these articles. Actually the Governor should reserve such state Bills for president's assent which falls under Article 288(2) only; but in reality it has become a fashion for the Governors to reserve State Bills which covers any subject of the concurrent list for the President's assent. But non prescribing a time limit in Art. 201 as to within what time the president should return such Bills is a serious lacuna which have created diplorable condition that a Bill passed by many representatives of people can be set at naught by a single person. Therefore, it can be concluded that the Arts.
200, 201, 254(2) and 288(2) which aim to bring flexibility in a federal setup for more effective and democratic working of the centre-state relations has, in practice, been used undemocratically and unreasonably. It is better to eliminate Arts. 200 and 201 except if it be for preservation of the powers of the High Court and unless the practice of frequent reservations of Bill for the president's assent is stopped. Or, alternatively, Art. 201 should be amended to impose a time limit within which the president would be bound to signify his assent or refusal to accord assent to the bill sent to him by the Governor. Furthermore, frequent amendment of state list of seventh schedule of the constitution by which some state subjects have been transferred either to the central list or to the concurrent list have shattered the confidence of some states in the Union which strike at the root of our co-operative federalism. Such step should not be taken in future without taking the states into confidence because a constitution rests on a national consensus and attempt should be made to stop the growth of already emerging consensus that the federal element of our constitution has already been somewhat distorted in practice.

To sum up the suggestions regarding the better but co-operative legislative relation between the Union
and the State Governments and commensurate with the strength of the centre and the Unity and integrity of the country it can be suggested.

1. Transference of state subjects to the central or concurrent list should immediately be stopped unless approved by the Inter-State Council to be formed as per provision of Art. 263 or unless consulted with the states.

2. The Governor must not reserve a State Bill for the President's assent too frequently unless needed under Art. 200, and 254(2) and 288(2).

3. Art. 201 should be amended so as to impose a time limit as to within what time the president must return the Bill to the Governor in order to stop the pocket veto by the President.

4. The word "Law" in Art. 31A and 288(2) should be replaced by "Bill".

The erstwhile British administrative framework, the administrative vagaries of princely states, the imperative need of administrative unity, political and constitutional implications of the federal political
framework and parliamentary system of responsible
government, people as the ultimate repository of
sovereignty, implications of universal adult franchise,
to fit administration into the needs and requirements of
a modern welfare state and make it a fitting and positive
instrument of social change and development influenced
considerably the framing of the provisions relating to
the administrative system and public services. If the
political and constitutional imperatives of the federal
political system have necessitated the creation of two
distinct and separate system of administrations: Union
and State, the constitutional requirements and political
dynamics of cabinet government have brought the administrative
system and public services under the penumbra of popular
control. Accountability and control, strict adherence to
the basic constitutional norms, service and development
orientation and scope for involvement and participation
of the public in the administrative process constitute
the most distinctive features of the administrative
system and public services.

All India services are common to the Union and
States, and the members of these services occupy the most
important and strategic posts in administration and
promote national outlook among the members of these services
that constitute the prestigious and enviable elite corps of the bureaucracy; the central services are to cater exclusively the needs of central administration, and similarly the state services look after the subjects of administration exclusively state in character. An analysis of the trends of debate that ensued in the Constituent Assembly reveal that an amount of misgiving and apprehension was voiced in regard to the All-India Services, common to both the centre and states, and the power given to the Union Parliament to create one or more All-India Services common to the Union and States vis-a-vis their adverse effects on federalism. Such misgivings and apprehensions did not deter the Assembly in adopting the provisions of All-India Services and the power conferred on the Union Parliament as the considerations of administrative unity, uniform standards, in administration and inculcation of national outlook among administrators proved decisive and insurmountable. In view of the adoption of the cabinet system of Government, the members of the Assembly were not oblivious of the need of distinguishing between politics and administration, acceptance by administration of the inevitability and importance of popular control and supervision, not directly, but indirectly, cultivation and adoption by public services of an attitude of political neutrality and to become a positive instrument of service, change
and development. The clear exposition in the constitution of the fundamental constitutional, political and administrative principle that the executive authority being coextensive with the legislative authority of Government-Union and States, the clear cut demarcation of the Legislative spheres of the Union and States, the vesting in the titular executive of the executive powers of Government and exercise of the executive power by it on the aid and advice of the Council of Ministers—the real executive which is collectively responsible to the Lower House of Parliament/Legislature, and constitutional principles governing the mode of conducting the business of government have combined to define and demarcate the sphere of administration. One fundamental feature of administration is the inter-relatedness and inter-dependence of the centre and states and the need for greater co-ordination between them, which is the logical corollary of the Indian political system, the hallmark of which is co-operative federalism. The inter-dependence of the centre and states and the need for greater co-ordination and co-operation between them is necessitated not only by co-operative federalism but accentuated to a still greater extent by the process of development planning.
In spite of clear demarcation of administrative zones of the Union and the States by the Constitution, the constitution is not free from unitary trend and from that angle the critics view that our constitution is more unitary than federal bears some weight. But blending of unitary spirit into a federal constitution is a unique achievement of our constitutional architects. This apart, historical setting, political tradition, social and economic realities and administrative effectiveness have warranted and strengthened the unitary trends in the administrative system. To know the various aspects of the constitution that rigidify unitary trends and forces and to comprehend the magnitude of these unitary trends and forces epitomised by these aspects and their impact on the federal system, the problem is to be viewed from two different angles -

(1) Unitary biasness during
   (a) Normal time and
   (b) Emergency, and

(2) Harmonious provisions which have tendency to neutralise the unitary tendency.

The unitary tendency during normal time is well marked in Articles 256, 257, 258 and 365 in as much as that Art. 256 creates obligation of state to exercise its
executive power so as to ensure compliance with the union laws. Art. 257 creates obligation of state to exercise its executive power and the Union executive can give direction for that purpose and Art. 258 empowers the president to confer union executive power to the state government, but with the consent of the state, and Art. 365 lays down the effect of not following the directions of the Union by the States. The suggestion of the critics that Art. 256 and 257 should be repealed seemed to have overlooked similar harmonious provisions vis. Art. 258(A) and 298 of the constitution. Under Art. 258(A) the Governor may, with the consent of the Union Government, entrust state executive power to the Union and under Art. 298 the central executive may be subjected to the state legislative power. No critic has raised objection against these two provisions on the ground that in a federal political system, whether orthodox or otherwise, there is a necessity of dualism in the realm of administration. The critics should have upheld the necessity of Art. 256, 257 and 258 on the same ground and on the ground that administrative interdependence of the Union and the States is one of the faces of co-operative federalism and this element of flexibility is a special flavour of Indian constitution.
However, inclusion of a provision like "consultation between Union and State executives before taking action" under Art. 256, 257 would have fostered better co-operation and relation between the two governments.

The Constituent Assembly witnessed a very acrimonious and emotion surcharged debate when the emergency provisions were discussed. The inclusion of these provisions eloquently testifies to the lasting influence brought to bear on the constitution making by the Government of India Act, 1935, which contained similar provisions. The critics in the Assembly contended that these provisions would invest the president with dictatorial powers, maximise the powers of the Union executive, jeopardise the fundamental rights, erode the state's autonomy and financial autonomy would be at stake. It is difficult to deny the force and cogency of these arguments and charges. It was no wonder that emergency provisions constituted one of the formidable grounds for commentators to assail the federal character of Indian Constitution. Neither the onslaught of the critics in the Assembly nor the weighty and informed criticisms of scholars and commentators should blind us from analysing objectively the relevance and necessity of the emergency provisions. The lack of democratic traditions, the acute-felt need of
inserting some inbuilt safety values in the constitution to prevent the collapse of the democratic system and to ensure its proper functioning, to withstand any possible, or potential threat, external or internal, to country’s viability and integrity and avert any threat to financial stability and credit of the country dictated the necessity of provisions which envisaged the conferment of emergency powers on the Union Government. A further analysis of the emergency powers would not fail to show that compelling and weighty social, economic and political considerations and forces were responsible for including the emergency powers in the constitution. However dangerous or alarming the emergency powers might look like, what matters ultimately is not the inclusion in the constitution of such powers of a draconian character and conferring the same on the Union Government, but the propriety of using the same for the relevant purpose at the appropriate time and in the appropriate manner. Whether the country’s constitution is going to be used for the right purpose and in the right manner as the framers of the constitution wanted or is going to be defaced and defiled and desegregated, would ultimately depend upon the political care, moral scruples and social responsibility with which the politicians and parties in power invoke the same and the degree of constitutional morality with which both the rules and the ruled imbued.
Impelled by social and political considerations and forces, the Assembly leadership perceived the need of making provisions in the constitution for conferring emergency powers on the central government. While making these provisions, the leadership least desired to keep democracy in a freezing chamber or in a state of suspended animation or to strangulate the citizen's fundamental rights or to emasculate provincial autonomy but to protect democracy from any possible threat or attack. Considering the social and political traditions of India and the condition prevailing, the vulnerability or democracy to danger could not be overlooked. Notwithstanding the devastating and trenchant criticisms, the Assembly leadership was very much convinced of the necessity of including in the constitution of provision of emergency powers. As the debates revealed, there was considerable gap between the Assembly leadership that perceived the dire necessity of inserting into the constitution of emergency powers provisions, and the critics who looked at the emergency powers only from a negative point of view. As the tone and tenor of these criticisms show, the critics with concern and anxiety, not unjustifiably feared at the possibility of the emergency power being misused by the government of the day. The experience of the post constitution period has shown that the critics were not wrong in their assessment. However,
the elasticity of vagueness and the practical experience of the use of the expression "otherwise" occurring in Art. 356 require serious consideration and its repeal is suggested and the Governor in his turn act according to his best judgment. But the role of the Governor in administering the state and his appointment is not up to the expectation and wish of the constitution makers. At present the Governor's appointment and action is not devoid of suspicion. The convention as to the consultation with the state Chief Minister at the time of appointment of Governor is not strictly followed. Such consultation should be a consultation in the real sense so that the appointee becomes acceptable as Governor for both the state and the Union. In our opinion the appointment of the Governor, the helpless condition of the Governor because he holds office during the pleasure of the President and at the same time he is to act in accordance with the aid and advice of the Council of Ministers of the state and the chance for dismissal and reappointment, are some of the factors responsible for creating sour relation between the Union and the State. Appointment of a man of personality, high calibre and stature having guts to uphold the dignity of the office of the Governor, in consultation with the state Chief Minister or in consultation with
a high power body specially constituted for the purpose, laying down provisions that governor is ineligible for a second term of any office under the Government and that he is irremovable during the tenure except for proved misbehaviour or incapacity after due inquiry by the Supreme Court are some of the suggestions which if implemented may remove many ill wills between the state and the Union and help restoration of democratic and federal spirits of our constitution.

The use of para military forces by the Union Government in the states has raised serious criticism against such use by the Union Government on the ground that maintenance of “Law and Order” is a state subject. Such criticism will lose its ground if the critics consider the Union’s responsibility to protect States against external aggression and internal disturbances as laid down in Art. 355, and the prevailing socio-political condition are taken into consideration. It must be remembered by the critics that the state’s autonomy in regard to “Law and Public Order” should be made subservient to the Union’s overriding responsibility in regard to territorial integrity and national cohesion. However, by way of suggestion it may be added that the Union Government must not deploy the forces for any purpose other than maintaining territorial integrity and overall national interest but never for political purpose.
Language and mass media are two areas which have also created serious strains between the Union and the State Governments. No autonomist claim that item 31 of list I which relates to mass media which includes wireless broadcasting should be transferred either to State or concurrent list but they claim a share in the reasonable use of the same. Control of the use of radio and television by creating a corporation and subjecting its activities to a judicial scrutiny is likely to improve the existing relation between the Union and the constituent Units.

Apart from social heterogeneity and religious diversity, India is also known for its linguistic multiplicity. In addition to a more than one dozen very well developed regional languages, there are several hundreds of spoken languages. This complex picture of multiplicity in the linguistic sphere baffled and complicated the work of the Assembly in deciding its language policy agreeable to all without discrimination and deciding the country's common lingua franca. This was rendered still more difficult for the introduction of the federal political system which brought into being not only a central government but also a number of provincial/state Governments. For a very long period in the history of India which saw a succession of foreign
rulers, the language of the ruler became the court language. But the British rule proved most effective, pervading and lasting unlike many other foreign rule in India, as English not only became the language of education and administration through which the best of the Western influence percolated into the Indian society, but also it became the social and intellectual base of Indian nationalism which successfully fought for the country's freedom. The irony of the situation was that the Assembly launched and completed its work of constitution-making through the medium of English. For an independent country to conduct its governance and manage its public affairs through an alien language, however very well developed and enriched it may be, is unpardonable and deplorable. But it became inevitable and unavoidable in India's case to continue to govern and manage her public affairs through English for some more time. This was an accident of history which was further necessitated by the deeply entrenched social compulsion and fear psychosis that came to the surface, when the constituent Assembly debated the language provision, came in the way of the Assembly putting a straightforward and clear cut policy in the language sphere. Certain amount of ambivalence, precariousness and dichotomy characterised the Assembly's handling of the language question which reflected in the language
provisions that were finally adopted by the Assembly. Linguistic ethnocentricity displayed by certain linguistic groups, including the Dravidian and non-Hindi language groups' reluctance to accept the primacy of Hindi language, the unbearable haste and arrogance by the Hindi protagonists in their efforts to make Hindi the sole common lingua franca of the country, and an attitude of acquiescence in the status quo, the Assembly leadership obliged to adopt, would explain the elements of ambivalence, precariousness, and dischotomy that have crept into the language. Provisions of the Constitution. If Hindi becoming in the near-future the country's lingua franca is not absolutely certain, the possibility of evicting the continued tenancy of English as the foreseeable future is not very much in evidence.

The working of the federal system is, in a very large measure, influenced by the manner in which financial power or power to raise revenue is allocated to the Union and the constituent states. It is conceded by all that the mobilization of resources and its utilization for planned economic advancement should necessarily be an integrated effort involving the collective responsibility of the different levels of government in a federal polity like India. At the same time it is also realized that any arrangement in the
financial sphere worked out by a federal constitution cannot and will not remain sacrosanct for all time to come. It is bound to prove its inadequacy or ineffectiveness as a sequel to the onslaughts of rapidly changing time. Yet it does not mean that the task of devising a fairly workable and acceptable financial arrangement in a federal constitution would be an insurmountable one and defy solution. In such situation a less doctrinaire and more pragmatic and reasonable elastic financial arrangement based on the principle of independence, adequacy and stability is the minimum requirement. In India, however, the major decision-making and resources mobilisation powers predominantly rest with the centre.

When the Constituent Assembly debated the country's constitutional framework, it was not quite certain if the public authorities would immediately embark upon development planning and if so by which authority/agency—Union or State. But the likelihood of resorting to some sort of centralised planning could hardly be disregarded. Economic and social planning, interalia, was included in the concurrent list. In March 1950 the Union Government resolved to constitute the planning commission which was entrusted with the task of assessing
the availability of resources, both financial and material and human, and formulate comprehensive development plans to bring about all round development of the country. This adventurous experiment in the sphere of development planning has had twofold effect on the federal system:

(1) The Planning Commission, an extra constitutional body, created pursuant to the resolution of the Union Cabinet, came to overshadow and supplant, in a sense, the role of the Finance Commission, a quinquennial body assigned with the specific role to play in the sphere of centre-state financial relations;

(2) The administrative responsibility of the states along with the Centre, to implement the development plans has increased to a very considerable extent the financial dependence of the states on the centre. This is, on the whole, responsible for considerable erosion in the autonomy of the States, a disturbing development which does not augur well for maintaining the federal balance and healthy functioning of the federal system.
It may be recalled here that when the seventh schedule came up for discussion in the constituent Assembly, there was no serious criticism by any individual members or concerted efforts by any group of members as such to attack or criticise planning, let alone its inclusion in the concurrent list. More significantly when the concurrent list which included among other items, economic and social planning no pertinent suggestions came from any quarter in respect of two vital matters:

(1) Which particular government should be made exclusively responsible for economic and social planning, and

(2) What type of institutional device should be created to take up functions and matters relating to economic and social planning.

Silence on the part of the Assembly members to say anything categorically in respect of aforesaid matters might be interpreted as their acquiescence in the inclusion of planning in the concurrent list, and their lack of readiness to visualise the gigantic proportions development planning would assume in the post-constitution period and its pervading impact on the Constitution and political and administrative system.
The distribution of revenues between the Union and the States are with certain variable objectives such as development, good government and the like and as such the distribution of revenues requires frequent review and consequent change if the intended objectives are to be achieved. To achieve this our constitution or convention has effectively delegated power to bodies like planning Commission, Finance Commission and National Development Council in order to bring an adjustment between the purpose and allocations of revenue.

Like in other federations, in Indian federation also has supervened a dis-equilibrium between the distribution of functions and distribution of financial resources. The constitution of India is so framed that the Union Government has emerged with a surplus of resources, while the state governments are left with more functions than they can pay for it which is mainly due to the factors like nation-wide base of tax, tax with local base that should have been given to the states but given to the Union in order to remove economic disparities among the states, possibilities of multiple burdens, diversity in the states laws imposing same kind of tax and economic disparities. Although the federal financial balance is tilted towards the Union, the
financial aspects of the Union-State relations covered by Art. 268-281, 285-289 and 292-293 and the scheme of distribution of powers, more particularly the fiscal and taxing powers as laid down in the lists of Seventh Schedule is based on sound principles of independence, adequacy and stability.

The separate sources of taxes that are allotted to the centre and states respectively, is in conformity with and influenced by the principle of independence. To this extent the principle of independence is steadily followed. Similarly due weight has been given by the constitution makers to the principles of adequacy and stability. A glance at the entries from 45 to 62, and 62A in the state list of Seventh Schedule will show that the imperative need of adequacy was given due consideration. But since adequacy is a relative term the complaint of the states that their resources is not commensurate to their ever increasing expenditure also bears truth in it and, therefore, cannot be brush aside straight away. But it is undesirable to throw blame on the constitution or the centre as solely responsible for the inadequacy of finances of the States. Because states are also morally and culpably responsible for their financial inadequacy. They have failed to harness properly whatever financial
resources are given to them and minimise extravagancy in their expenditure habit. There is a great need on the part of the state to remove this lethargic and unusually unenterprising attitude in harnessing to the maximum the state financial resources. Stability is also determined by the adequate finance obtained by the states from the independent source of revenue assigned to them by the constitution. It is true that the allotment of discretionary grants defies the principle of independence of finances of the state. But for this practice the states are also equally responsible for submitting more and more ambitious and prestigious projects and plans and pressing for discretionary grants.

The planning commission and the Finance Commission are the two high power bodies which are shaping union-state financial relation but severe criticism is launched against these two bodies in as much as the planning commission which was constituted by only a cabinet resolution in 1950 and only in pursuant to entry 20 of the concurrent list and not empowered by any other provision of the constitution is a non-constitutional entity which is illegitimately devouring the financial autonomy of the states and also illegally usurping the powers constitutionally given to the Finance Commission. This criticism has got sufficient basis. The advent of the planning commission and its
ever expanding role in the planning process and the pervasive influence it has brought through its recommendations to bear upon the centre in determining and allocating the quantum of aid from the centre to the states has invariably resulted in overshadowing the role of finance commission. The amount of financial aid that the centre has been giving to the states pursuant to the planning commission's recommendations is more impressive and important than the allocation of revenues to the states by the Finance Commission. The critics should bear in mind that it would be too simplistic view to hold that mere size or magnitude of finance is the sole criterion to judge the relative importance of these two bodies. The superiority of the Planning Commission over the Finance Commission lies in functions assigned to it. In addition to this, the Planning Commission has become a very dynamic, positive and decisive body of considerable prestige due to certain factors such as charismatic leadership, near Uniparty dominance and top priority to development. The critic's suggestion that the Finance Commission should be empowered to recommend the size of development grants to be given by the centre to the states so that the states may claim such grant as a matter of constitutional rights, not as donees as it has been happening now, in order to reverse the process of centripetalism in the Indian federal system appears
to have overlooked one important fact that the state's partial dependence on the Union for financial assistance is inherent in the Indian Constitutional System. Imposing a constitutional obligation on the centre and conferring a right on the states to secure development grant may be ideal and appreciable in theory. But dynamic of development necessitates considerable flexibility and discretion in making such grant which is inherent in Art. 282 which in our opinion should not be disturbed. If Art. 282 is amended so as to enable the Finance Commission to make discretionary grant for development, this will mean the shifting of responsibility from the Planning Commission to the Finance Commission and it will not be a checkmating the distortion of federalism in the financial sphere.

The moment the planning commission is divested of this important function, this is bound to cripple its role in the planning process, and it is not certain if this change brings about any corresponding improvement in the role of the Finance Commission to preserve intact the federal system.

Thus it is seen that in formulating constitutional provisions governing the federal financing, the principle of independence, adequacy and sufficiency is followed as
far as practicable. But the discretionary grant is an exception to the principle of independence which has grown like a frankenstein monster devouring the state's autonomy in the financial sphere. But centralised planning has become unavoidable in the developing world and there is no short cut to it as far as India is concerned. Wherever and in whichever federation economic planning is undertaken, it has unleashed forces and created strange situation that have necessitated central intervention in the spheres earmarked for the states and have increased the scope and dimension of discretionary grant.

Truely, the financial resources available to the centre exceed the requirements, where as those available to the states considerably fall short of their increasing needs amidst growing responsibilities and therefore the states claim that unitary trend in the financial relations between the Union and States are patently marked both in practice and precept of the constitution. The economic policies during the last thirty five years have not only accentuated the problem of vertical federal fiscal imbalance but also have changed the defacto nature of the original federal fiscal setup of the country in its operation.
In the matter of satisfactory economic relations between the states and Union following possible remedies may be suggested:

(1) There is a need of restructuring of the Planning Commission and reform its function. The Commission should cease being a Ministry of the Union Government and be setup as an autonomous body under direct aegis of the National Development Council. It should have a secretariat drawn from the states which will enable it to maintain a two way communication between the Union and the states on all matters concerning the plans and its execution by the states and the Union Ministries.

(2) At least for the satisfaction of the states though it is doubtful that such suggestion is likely to improve the economic lot of the states, in place of the current distinction between plan projects and grants which fall under the planning commissions' responsibility and non-plan expenditures and grants falling under the Finance Commission, the planning commission should be responsible only for investment planning and decisions on investment financing,
leaving the finance Commission to dispense with all grants to states whether for so-called plan or non-plan purposes. In place of the current procedure of establishing the plans as a Union exercise, the plan should be based on plans established by each village panchayat or block, brought together in state plans, on the basis of which alone should the national plan be formulated. This, in addition to avoiding the dissatisfaction of the states, also will ensure optimum use of resources and avoid waste.

(3) The Finance Commission's current practice of the gap filling approach in making its grants should be replaced by such criteria as the fiscal needs of the states, desirability of bringing about a certain degree of equality in the developmental facilities and functions as between the states, and in the meantime help in the maintenance of a minimum level of administrative and welfare service in each state as the basis of its grants. Further the word "grant" should be replaced by the "distribution of resources" so as to remove the concept of 'donor' and 'donee' in respect of 'Union' and states respectively.
(4) Bigger role in industry and commerce should be assigned to the states. The Industries (Development and Regulation) Act, 1951 which was enacted pursuant to Entry 2 of list I by the parliament should be reviewed with a view to dropping the requirement that the Union Government's license in the form of letters of intent, permits and other licenses are necessary for the establishment of any industry so as to enable the states to exercise its power in

(i) industry

(ii) trade and commerce and

(iii) production, supply and distribution of goods given to them by the constitution (list II, entries 24, 26 and 27). Parliament should exercise its power under entries 7 and 52 of list I in a restrictive manner to avoid disappointment of the states as this has been a major means by which the Union Government has expanded its function and powers and has curbed the initiative of the states.

(5) There is a need for some machinery for consultation with the states before union government and union agencies announce
policies and decisions which affect the economic activities of the states. The industrial policy statement, the import policy, the fiscal, financial, credit and monetary policies, areas and schemes to be covered by 'centrally sponsored schemes' before they are announced and executed, should be the subjects of consultation between the Union and States. For this purpose a National Economic Council consisting of members of all the states, the Prime Minister and some Union Ministers, the Planning Commission members and the Reserve Bank of India should be established as the forum of such consultation. Else this duty be entrusted to the National Development Council which is already established in 1952.

(6) In case of National Development Council, its role should be streamlined and systematised. Assisted by a standing committee consisting of officials as advisers from each state, Central Minister and the Planning Commission, and giving top priority to basic issues of National importance, all questions of Planning policy should be placed before the National Development Council.
In suggesting any possible improvement in the field of fiscal relations between the Union and States it must be remembered that it is impossible to strike a perfect equilibrium between the states and the Union. Only suggestion that can be made in the matter of tax sharing is that the surcharge on income tax be brought to divisible pool so as to increase the state's share. Further, the corporation tax may also be brought to divisible pool. The right of the states to raise market loan should be restored. The States on their parts should be serious and sincere in harnessing to the utmost whatever tax resources assigned to them and try to minimise sincerely the state expenditures as far as practicable.

Investigation will not be complete unless the role of the states in decentralising its power is brought into focus. While the centre is being accused of centralisation of powers by the constituent states, it should not be forgotten that the states in their turn also centralise all powers that legitimately lie in the realm of Local Governments. forgetting Gandhiji and Nehru who laid much importance to the functioning of panchayat bodies since they would guarantee the democratic participation of the citizenry in their local committee and its spirit would act as check right through. This is ensured by the constitution by including the Local
government in list II and organisation of village
panchayats and their powers and authority in Article 40.
The growth of centralisation of power in the hands of
National Government in every country, however federal
its constitution may appear on paper, is a political fact.
Without this concrete fact the country will be a house
divided against itself and hence cannot stand. Few critics
may say that the "centre is a conceptual myth". But the
centre is a concrete fact. While criticising the
centralising tendencies of our constitution and arguing
for more powers to the constituent states, this hard
reality should not be lost sight of. The country's unity
and integrity are much more important and enduring than the
state's autonomy. In the Indian context where centrifugal
forces are trying to fly away the constituent planet
states, strong centre is a sine qua non for a perfect,
purposive and surviving federalism. But a strong centre
must not be allowed to be so strong so that it pulls its
constituent planet states to its consuming fire. In India
where co-operative federalism is envisaged, Frank Scott's
observation that provincial autonomy means national
inactivity seem to be partially true, not the whole truth.
The provincial autonomy with check and balance power with
the centre is all that is desirable which is possible
only with a strong centre. As a matter of fact to the
three orthodox cardinal principles of federalism viz (i)
(1) division of powers between the centre and states, which are expected to exercise their powers independently as far as possible, and in concert with each other or co-operatively, if necessary;

(2) supremacy of the constitution with an explicit idea that neither the centre nor the states can change provisions relating to federal aspect unilaterally, and

(3) an independent judiciary to function as an arbiter in all disputes between the centre and states and also between the states, one more principle, namely, the concept of strong centre may be added. Like in other federations, this concept has been given tacit recognition and consistently given effect to all along in the Indian federation. The critics' suggestion that only strong states makes the Union strong points to the samething. Because only strong centre can make the states strong. For a strong centre nothing is lacking in the Indian Constitution except those for which suggestions are made already. But since the concept 'federation' is itself a dynamic concept and therefore will need adjustment and readjustment in accordance with the demand
of situations that may arise from time to time and therefore, these suggestions cannot claim immutability for all time to come. After all the federal governments are the product of economic and social pressures.

India, that is Bharat, our dear Republic, should be strengthened to the maximum extent by the patriotic unity of the people. No Union, no state, can have priority over the nation. Let there be no misunderstanding that if a plea for better self expression of politico-cultural personality and legislative administrative autonomy and financial developmental viability of a state is put forward, there is no any intent to weaken India. Who lives if India dies, who dies if India lives? Let there be no mutual distrust and disbelief between the Union and states. Let us call an earth worm an earthworm and let us not see in an earthworm a snake. Only a spade should be called a spade. Every move made by the centre or by the state must not be suspected by the another. Let us try to develop a federal political culture which will ensure the use of every constitutional provision in order to achieve the objectives envisaged by the framers of the constitution.
And let there be a strong centre based upon strong states consciously and co-operatively working for unity, cohesion and all round socio-economic and cultural development to be initiated by the union aided and supplemented in its efforts by the states. There lies the guarantee for India remaining strong and viable. Let this lofty vision inspire all in the endeavour to forge proper and effective Union-State Relations to realise those objectives, objectives for which our people have incessantly struggled and have made and are making great sacrifice.