

EVOLUTION OF CENTRE-STATE RELATIONS IN INDIA

Gundagani Kiran,
Research Scholar,
Department of Law,
Osmania University,
Hyderabad,

Abstract

The history of inter-governmental relations is not good. After independence, Nehru's policies depended on party support and interests, and as Indira Gandhi's power grew she strengthened international relations through the establishment of 'states and communities in the 1970s.' to do Freedom and international relations. With the advent of the era of cooperation in the 1990s, the relationship between the great powers changed from cooperation to cooperation. Amendments to Articles 73 and 74 of the Constitution have changed the jurisdiction of these areas and created equality of relations, rights and fundamental freedoms.

Efforts have been made to strengthen cooperation in other areas such as National Reforms Commission, Rajmanar Commission, Sarkaria Commission and Punchi Commission. However, these benefits are not absolute. First, the federal government ignored the commission's recommendations, and second, the commission considered the government's cooperation.

So the Punch government and the judiciary did not respond to the CBI action and decided to use force. Speaking about the Sarkaria government, Amal Ray said the issues raised are not different but because of the roles of various opposition parties, ministers and the structure of the planning committee.

Introduction

India is a mixture of cultures, languages and interests which have played a major role in shaping the Union as it is today. The concept of community, language and culture is not new in this area, but over time this 'community' has changed from colonialism to British rule and finally to a nation. Attempts were sometimes made to "unify" the various tribes into a single political body under a central government, but this was unsuccessful. This process of unity, which creates a new identity in different parts of the country, is important for community building.

Independent India faced the need for freedom and independence from the new states created during the British era. In this context, communication between headquarters is important. India has become a "federal" system because the Constitution of India clearly states that India is a series of federal territories and not a group of states. This created tension between the strong and the weak.

Evolution of Centre-State Relations

Strong power relations developed over time and were first noticed in the early years of the regime. The Indian government was very unhappy with the British rule in India and accepted the need for partition. To facilitate this process, Viceroy Ripon (1884-1880) implemented a series of policies and gave the Union its first system of local councils. This Article came into force in 1909. Under the Indian Parliament Act (known as the Morley Mint Amendment) and has been approved over the years; It gives more powers to central and provincial committees. Some analysts see the change as an attempt by the Indian National

Congress and other parties to weaken the National Party, while others see it as a serious punishment.

British views on the development of the political system in India may have influenced their support for the Union. It was an idea inspired during the First World War, when many Indian soldiers fought on the side of the British. The report was prepared by the US Secretary of State (India) Edwin Montagu under the leadership of Lord Chelmsford to encourage political development in India. A bill was presented to the Indian Constitution Amendment Committee in 1918, known as the Montagu-Chelmsford Amendment, which amended the Government of India Act.

According to the recommendations of the report, the constitution provides “states in the middle” for the next 10 years. The government has oversight responsibilities at the federal and state levels. According to the Act, “The word Federation does not exist in the English language¹.”

Government jobs are divided into central, provincial and regional offices. The Speaker of the House of Representatives uses the powers given to the Ministers. The government has the right to pass the budget, collect taxes and elect members of parliament. This contradiction exists, but not in a federal system, because all power is centralized, and the power of the government is in the government, not in the constitution.

Constitution arrangement between the Centre and the State

The Constitution provides for the division of powers between the Center and the states in the Seventh Schedule, which has three sections dealing with “all matters pertaining to the state”.

- Union List
- State list
- Concurrent list.

Legislative Relations

Article 11 of the Constitution deals with the relationship between the Constitution and the States, while articles 245-255 deal with the division of legislative powers in the Constitution, Under Article 245, Parliament can make laws for the whole country or any part of India, and the Council can make laws for the whole country or any part of India, but not necessarily with the consent of Congress. This is called an error. This is the protection of other nations. Article 246 deals with Acts of Parliament and National Laws. Parliament has the power to legislate through three lists: the Union List, the State List and the Joint List.

Article 246, (4) Parliament may make laws for any part of India which is not a State, even if it is included in the list of States. Article 247 gives Parliament the power to create other bodies as may be approved by Parliament or under existing laws to deal with issues contained in the Act of Parliament.

Article 248 Powers of Parliament has the right to enact laws related to legal entities or issues arising from the Constitution, such as other laws and regulations, legal taxes.

Administrative Relations

Article 256-261 deals with diplomatic relations between the United States and the United States, Articles 256 and 257 require the States to carry out the functions of Parliament and any law relating to the State and give the States special powers of association as the Government of India may require. Main Without prejudice to Articles 258, the Minister may, with the approval of the Government, give any servant or Department of the Government any right, duty or immunity for any purpose of internal authority.

Under Article 260, in such cases, the Central Government, in consultation with the Government of any State outside India, may exercise administrative, legal or administrative functions in that State. Imports are subject to all applicable local laws.

261 List of Institutions and Systems of Government, Customs and Excise in India should be treated with great faith and respect. Article 261 Clause (3) any judgment or final order passed by any local court in any part of India shall be enforced under this section.

Financial Relations

Part XII of the Constitution (Articles 264-291) deals with money, property, contracts and laws. Sections 268 to 272 deal with the distribution of taxes and property between the Commonwealth and the United States. Article 275 also requires states to provide annual assistance if the court determines that states need it, Ensuring security in tribal areas with the help of Special Forces in Assam².

According to Articles 270, 273, 275 and 280 of the Constitution, the Finance Commission is appointed for five-year terms, advising the President on the consolidated list and allocating the budget to the regions. The Commissioners Act and 1951 read the Commissioners Act as amended. Article 271 provides that the duties and taxes referred to in sections 269 and 270 may be increased from time to time to the capital of the company and the amount of such increase shall be apportioned to the Consolidated Fund of India. Article 292 gives the List of Agents unlimited power to borrow from the Treasury. However, under Act 293, states are restricted from borrowing.

Extra Constitutional Mechanisms

Planning Commission

The Planning Commission is a non-governmental organization established in 1950 to prepare the Five Year Plan for India. It is part of the federal government and serves the president directly.

National Development Council

The National Development Council is an independent body established in 1952 to advise the Planning Council on the formulation of economic policy, these are Prime Ministers, Council List Ministers, Ministers of all regions or their representatives, members of the European Union List and members of the International Strategic Planning Commission that meets at the Center and the United States.

Parliamentary Acts

In addition, Parliament has passed several laws that regulate the relationship between the Center and the states. Regional councils were established in 2019. According to the United States Reorganization Act of 1956, India is divided into five regions: North, South, East, West and Central. This is true for every state, province and territory. These include economic and social policies, border disputes, local authorities, problems created by the government and so on.

Groups and methods are included. Now the Eastern Province Act, 1971 established the Eastern Province to address the problems of the people of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram. The Rivers Act was passed in 1956. And river committees were created to advise the government on the planning or improvement of rivers or waterways. In 1956 the River Disputes Act was enacted to transfer river disputes to the River Disputes Court.

Tensions in Centre-State relations

Worse, the chain of trade unions in India is called “semi-federal”. This is due to the selection and selection process. A modern environment is required to maintain high competitiveness and sustainability of the manufacturing sector. It is determined by the principle of decentralization on which the institution is established. The university has refused to respect this right, and governments have proposed changes for years. After independence, these countries struggled to prevent power sharing between states and regions. According to the Constitution, these powers merge with the powers of the state, giving the central government additional powers that allow the state to intervene in the Riksdair under certain conditions, and the American Indian branch³. For example, the 42nd Amendment, which gave additional powers to the Center under Act 249, moved education, forestry and nature conservation from the list of governments to the list of organizations eligible to strengthen government powers. And his strength increased. The world is the world. Central and regional distribution

This important conference, empowered by the Constitution of India, is a powerful force to unite India in various fields. Unfortunately, the court does not care about the misuse of this power in the management of public affairs. The use of Article 356 is the usurpation of local governments and the misuse of ministerial office. For example, in 1975, the powerful government led by Indira Gandhi as Prime Minister passed the 38th and 42nd Amendments to the Constitution, which prevented the Governor from making laws or not making laws. The director has the right to follow the instructions of the Central Government and perform the duties assigned to him by the articles of association of the company. Ministers are instruments in the hands of the government to undermine the constitution of the institution. The government reserves the right to intervene in certain matters by issuing various declarations that significantly hinder decisions. The 42nd Amendment guarantees emergency and affects the independence of the government. The amendment included Article 257A, which allows UN forces to deploy troops during a legal or constitutional crisis in the country.

The unstable economic relationship between the capital and the states led to conflicts between the capital and the provinces. According to Article 293 of the Civil Code in Article 3, the management of all public debts is under the control of the government in the form of a

national balance sheet, which means that the public budget has a surplus (one in three). The principal amount collected by the department is collected by the department and the department is under the central government. Also, these benefits are not distributed. Instead of receiving additional grants under the Central Support Schemes (CSS) for developing countries, they are given to the poorest countries that benefit from government subsidies. In addition, the Planning Commission and the Budget Commission are responsible for the development of the government's development service, which provides aid infrastructure to their countries. The 73rd and 74th Amendments gave constitutional powers to Panchayats and Districts. The aim of these changes is to improve local governance. However, many projects challenge the principle of separation of powers. For example, the government limits the public services provided to various organizations. This is a misunderstanding between the Center and the US.

Debates in Centre-State Relations

The trade union crisis does not bode well for the democratic process in India. Many attempts have been made to investigate the relationship between different variables. Their political, economic, financial and administrative relations are analyzed⁴.

In 1966, the Administrative Reforms Commission (ARC) appointed a committee headed by Setalvade to look into inter-governmental relations. In addition to recommending constitutional changes, the ARC recommended the separation of economic and administrative functions to increase efficiency and effectiveness. The government has agreed to implement many of the recommendations of the Public Relations Law Reform Commission⁵, but there are still challenges. The Tamil Nadu government set up the Chief Justice Rajamanari Commission in 1969 to investigate the case. The commission argues that the government is weak and weak because of its lack of constitution. And they want freedom without government. However, the Rajmanar Commission received little attention from the government or the media. The relationship between the borders has been studied extensively by the Sarkaria Commission (1983) and the Punch Commission (2007).

The Sarkaria Commission

In 1983, the Government of India established the first International Relations Commission of Inquiry, It was led by Judge Rajinder Singh Sarkaria, Shri B. Sivaraman and Dr. S.R. Sen; popularly known as the Sarkaria Commission. The report and recommendations of the committee were submitted to the Government of India. Other results are discussed in this section.

Legislative Relations

The committee confirmed that the full parliament had legal authority over the budget and that everything except the budget should be included in the first draft.

Some parliamentary powers are to be transferred to the Reichstag, and tax-free territories are included in the constitution. If necessary, the Constitution can be amended to achieve this goal⁶.

Effective implementation of EU legislation cannot be achieved through collective action alone, and cooperation and collaboration between industry and government is needed to guide this process.

“The authorities are aware of the application of European Union law, especially in the area of market competition. The responsibility to ensure compliance with large areas of national law belongs to the government itself and local authorities in the courts”.

In addition, the group has specific test areas proposed in countries where countries can cooperate according to EU law. In addition, the List of Members, in collaboration with the Government and the United Nations, prepares a list of auction items monitored by the Article 263 Committee. The parties have done little in this way. Add dimensions and borders. This is important from a social justice perspective, and equality is acceptable in a political system based on social justice. Furthermore, if the law on this is to be passed as an official federal plan, it should not be discussed by each federal government, but by the development cabinet, Article 263⁷.

Administrative Relations

In terms of regulation, the Commission noted that although the central law is more consistent with national laws, there should be unity between the states and the Center and conflicts between national laws should be avoided. However, this is the best way to manage Article 365.

As noted above, Articles 256, 257 and 365 are the best ways to ensure cooperation between the EU and the Member States in the implementation of Union law and national laws. If the provisions of sections 256 and 257 are not observed, the punishment under Article 365 will be final. According to Article 365 of the Constitution, the Government should, before giving judgment or sentence, take as much care as possible to define the area concerned and define other authorities on it⁸.

The committee carefully considered the future of relations with the United States and relations with India, According to the board of directors.

“People are a collective action, not a small matter, Article 258 of the Constitution states that public servants, their duties and responsibilities are to respect the public administration⁹.”

Article 370

While asserting that Article 370 has not been repealed, the commission refused to comment on the legality of the section, saying it was a power given to the Jammu and Kashmir government under the section. It is a political issue, not politics. According to Article 2.42.04, a legal entity can be entered into T-Tara Vari.

It should be noted that some regulations should take into account the knowledge and experience of each party and organization when presented to the government. Due to the independent status of Jammu and Kashmir in India, the protection of constitutional rights is a matter of politics and not law. Therefore, we do not recommend it.

Article 356

Article 356 is recommended for emergencies where all other methods have failed.

Article 356 should be used as a last resort in difficult situations where violations of the Agency's rules can be avoided or corrected. Before addressing Article 356 of the Constitution, efforts must be made to resolve the issue at the national level. Under Article 356, the manager can stop this activity if necessary¹⁰.

Local authorities should do so even if they have not specified.

The company is to blame for denying people their constitutional rights. Before taking action under Article 356, the government must consider the available information, but this cannot be done unless it is done quickly¹¹.

Role of the Governor

The Commission believes that the Governor should be elected as a public leader and not as a head of state. Regarding the responsibilities of the minister, the delegation advised the minister to manage law and order in the state and explore all available options before rejecting the project, law of the land.

"The governor must consider everything to form a government with the support of the majority of parliamentarians after a political victory. Political parties cannot just talk to prevent new elections. The ministry is also ready to work." Instead of the government, he is accused of murder, violence and corruption. Interim management must be done during the transition to resolve franchise issues. Para graph 6.4.08) (b) the important things above are not discussed and should not be included in decisions about economic trends in the world.

Inter-Governmental Council

According to Article 263 of the Constitution, the Commission recommended the establishment of a General Assembly to discuss and vote on international issues in Parliament, According to Article 263, clauses (b) and (c).

The company chose not to contact the development agency. However, the name of the Economic and Development Council was changed and approved by the President under Article 263 of the Decree. The Commission also recommended the reorganization of these five states under Article 263 of the Government Reorganization Act (1956)¹².

The Punchhi Commission

After nearly 20 years of government action, a new commission was established in 2007 to investigate union mediation. The chairman of the committee is Madan Mohan Punchi. Other members are Mr. Dharinder Singh and Vinod Kumar Duggal, Ph.D. Madhava Menon, Amrish Bagchi.

Liberalization, Globalization, Decentralization (72-73) and other issues Punchhi Commission's efforts to address various issues of international relations greatly influenced the thinking of the Commission. The commission published its report in 2010 after an extensive investigation.

Article 356

The Committee asked for amendments to sections 355 and 356 to help the Department solve problems more quickly, but warned against misuse of the section. The application must be accepted because there are legal errors.

A wide literal construction of Article 356 (1), the division of powers between the Union and the State limits the powers of the Union as much as possible. In addition, the Supreme Court reviewed the principles of democratic governance. Therefore this type of government must be abolished. Therefore, the exercise of the right referred to in Article 356 of the Convention is limited to "correction of defects in the operation of the law" Part 1 of chapter 356 deals with construction.

Role of the Governor

The S.R. Bomai case (1994) highlights the performance differences between middle and local managers. Following the decision of the Supreme Court of the state, the Governor's Office made the decision. Therefore, the Commission agreed with the findings of the government commission that the minister is independent and should not be appointed by the government. He advised the Prime Minister to strengthen the process of appointing Ministers.

The government reiterated that in the event of a political crisis, the minister will review the important decisions of the government and leadership. If this is not possible, the cabinet acts as a "transitional government" until new elections is held or a government is formed and a major political issue, such as an impeachment, is decided. The Governor then dismissed the meeting and referred the issue of legislation to the voters.

The committee makes employment decisions based on the discussion of the appointment of the head of the department. He added that the party should hold a meeting before the election and if the meeting is cancelled, the minister will resign.

1. Before choosing a size, ask the group.
2. A large group of people supported by others;
3. Participation of all parties in the post-election government. fatigue
4. Post-election cooperation with other parties and independent organizations receiving support from a foreign government (Volume II 2010: 73).

Inter-State Council

As always, the committee emphasized on strengthening development councils and regional organizations to promote unity between the center and the states. Furthermore, we strongly encourage the establishment and strengthening of the International Court of Justice (ICC) as a forum for international relations. The ISC is a legal framework that guides cooperation between local governments on various issues. Although the DPK will be the basis for political decision-making and conflict resolution, the Commission considers that the responsibilities of the Development Council can be transferred to the DPK (Volume II 2010: 210).

Fiscal Relations

The committee hears a lot about the balance of public funds between the office and the government. In relation to the balance of states, monetary policy prevents the wealth of

rich countries from increasing. It is important for Fiscal Responsibility and Budget Management (FRBM). According to the Commission, the difference between the central budget and the independent government can be considered when creating the budget¹³. He suggested that the planning commission complete the preparation of the five-year plan and asked the government to issue national regulations.

The Commission noted that projects should be approved based on the needs and priorities of States¹⁴. It is the responsibility of the Planning Board to manage zoning, not local governments, and Series of the United Nations and the Ministry of Foreign Affairs (Para 7.8.02, pp.108).

The committee wanted to address the government's concerns about the Goods and Services Tax (GST) and the irregularities in the tax. State and local taxes should consider not only goods, but also the addition of GST to income tax (Para 9.5.01, Volume II 2010:110).

Local Self Government

Articles 73rd and 74th of the Constitution confer legislative powers on Panchayats and District Councils. These changes need to be moderated by the autonomy of local groups. With regard to financial relations between the Center and the Government, the Commission noted that there is a difference between the functions and powers of Panchayats. Schedule 11 of the (Volume IV 2010:154; 155) refers to funding from the national budget only and not programs provided to workers in the main sector.

The Authorization Act created a direct agreement between the federal government and local governments to provide funding and support for federal and provincial revenue enhancement programs. The Commission compiled Articles 243-1, 243-Y, 275 and 280. Since the company pays the local authorities directly, these documents are not the same (Part 4 2010: 157).

Therefore, it is clear that cities must implement all government recommendations. Actions that undermine this policy or create confusion between local and state authorities should not be encouraged. The relationship between the municipality and the government is limited, because they only think that the money goes to the government (Volume IV 2010:157).

Communal Violence Bill

The commission reiterated that maintaining law and order is the responsibility of the government and the primary duty of the courts is to maintain order in the public interest. He proposed an amendment to the National Riot Act that would allow troops to be deployed temporarily without government approval to ensure peace in conflicts within the Union. He did not say whether the call required government approval.

The Commission believes that a security system is essential for a rapid and coordinated response to interstate conflicts. Therefore, the list of Union Home Ministers was called to identify the causes of the crisis, propose solutions and speed up the investigation to resolve the crisis. The manager has requested. Another purpose of the Home Office is to provide assistance with identification, management (including Article 355) and non-disclosure applications. In addition, in 2009 we adopted an amendment to the provisions of

the Convention on Violence and Chronic Violence (Prevention, Treatment and Rehabilitation of Victims), and creativity (Volume V 2010:13, 14).

National Investigation Agency and National Integration Council

According to the Department of Homeland Security, to meet national security needs, the Commission supports the development of “technical approaches” to national security policy. The National Investigation Act (NIA) (2008) was amended. He said the National Integration Council (NIC) should be strengthened to deal with internal security issues such as fighting communal clashes in Kashmir and the East Coast. “It’s other people’s hatred and divorce, one world against another.”

The Commission emphasized the importance of Central State cooperation. (Volume V 2010: 45; 85; 86).

Conclusion

However, according to the Sarkaria Commission report, these estimates do not reflect the reality in India, and therefore do not reflect long-term changes, with the balance of unity and diversity, when the nation and the government, a new society cannot be created. Indeed, his proposal can be seen as a temporary compromise to bridge the gap between New Delhi and the Congress (I) government (Ray: 1988).

NK Singh asked three questions about the company’s position. First, this is a fee-only plan. Singh said in a statement.

He promised to increase stability, accuracy and efficiency in accordance with the recommendations of the Finance Council and the court, but he remained silent throughout the day. The authorities have not yet approved all the plans because there is no formal consultation between the regions and the planning commission. Also, centralized management is better than centralized planning. Due to the movement of money and capital and the distribution of these resources, the transfer of wealth between countries is unpredictable (Singh: 2006).

Another problem is the lack of effective communication systems between independent nations. The National Development Council (NDC) and state parliamentarians are not helping facilitate the debate. These areas are under government control. In addition, the mandate of the CND must be redefined and for the president (the government headed by the president) must continue to consult with the government. This is important because political parties and regional parties will interact in the future.

Third, with the rapid changes in this sector, the role of local governments in national affairs is not in doubt. There are many questions about the balance between academic ability and weakness and how to balance the attitudes of humility and ability, which can lead them in different directions (Singh: 2006).

The relationship between the center and the government can be seen in the country’s foreign policy. Since many countries are international organizations, they need communication and information about the activities of other countries (Joshi: 2013). For example, India’s policy towards Sri Lanka must take into account the problem of Tamils and Tamil Nadu. Similarly, the decision to share the waters of the Teesta River with Bangladesh



will affect West Bengal. Foreign policy requires governments to work with other countries to change their countries.

The National Counter-Terrorism Center (NCTC) said the amendment was insufficient for a new debate in parliament and the government to deal with the Jan Lok Pal Bill. So let's look at these relationships again, Global data sharing and reporting from an anonymous system. Decentralization requires autonomy of municipalities and coordination of central agencies. It must be said that after the independence of India the situation changed and after some time new announcements were made.

References

¹ *The Government of India Act 1919*

² *Basu 2009: 339*

³ *Hargreave Jr. and Kuchenek 2000: 135*

⁴ *Ninth Five Year Plan Vol. 1*

⁵ *ibid*

⁶ *Para 2.6.18*

⁷ *Para 2.23.05*

⁸ *Paras 3.5.25 & 3.5.27*

⁹ *Para 3.7.10*

¹⁰ *Para 6.7.04*

¹¹ *Para 6.7.08*

¹² *Para 9.3.05; 9.4.07; 9.8.07*

¹³ *Para 5.12.02, Volume II 2010:103*

¹⁴ *Para 7.2.04, Volume II 2010:106*