

## **Sarkaria Commission and Co-Operative Federalism: An Overview**

Mahesh Kumar  
M.A., NET & JRF in Political Science  
Email: sonurajpal93@gmail.com

**Abstract:**The demand for greater autonomy to the states gathered further momentum. In 1983 the Council of Chief Ministers of the Southern states was set-up to “promote the cause of co-operative federalism between the states and the Centre”, calling for equitable<sup>3</sup> distribution of resources between the Centre and the states. On 24 March, 1983, in response to vociferous demand by several opposition leaders, the then Prime Minister Indira Gandhi appointed a commission under the chairmanship of R. S. Sarkaria, a retired judge of the Supreme Court, to study the Centre-State relations. After five years of deliberations, the Sarkaria Commission submitted its report on Centre-State relations in 1988. The commission suggested a series of concrete steps to strengthen federalism and prevent the misuse of Article 356 for restructuring Union-State relations. The present research paper makes an overview of the recommendations of Sarkaria Commission.

**Keywords:**Sarkaria Commission, State Autonomy, Co-operative Federalism.

**Introduction:** The Sarkaria Commission advocated co-operative federalism and recommended greater financial autonomy for the states he recommended:

- Article 258, the Centre’s right to confer additional authority on the states, should be used liberally by the Centre.
- The Commission also recommended the need to amend the Constitution in order to give the states greater power and responsibilities.
- Article 356 which empowers the Union government to impose upon President’s rule and the deployment of armed forces for law and order should be made use of sparingly and only at the request of the state.
- The role of the states in expanding the Concurrent List should be enhanced. The

Centre should consult states on the Concurrent List. And the residuary field, other than the taxation, should be placed in the Concurrent List.

- The Governors of the states appointed by the Centre should be non-political, non-controversial persons. They should be appointed in consultation with the Chief Minister.
- The states' shares in revenues generated by them should be increased.
- The Commission recommended for the constitution of the Inter-State Council (ISC) and the revival of the regional councils to enable both Centre and states to work out consensus on federal issues.
- Regarding all India Services, the commission suggested that it should be further strengthened, and every All India Service Officer, whether he is a direct recruit or a promoted officer should be required to put in a minimum service under the Union government. It also suggested for a regular consultation on the management of All India Services between the Centre and the State governments.
- It also recommended that the five Zonal Councils to be re-constituted afresh under Article 263.
- It also recommended the streamlining of the National Development Council and the Planning Commission. Further, it said that the National Development Council should be renamed and reconstituted as the National Economic Development Council (NEDU).
- The bills reserved for the President's assent should be disposed off within four months.
- Governors, after relinquishing their office should not be eligible for any other appointment or office of profit under the Union or state government.
- The Commission also recommended for appointment of an expert committees by

Union government to recommend reforms in taxation.

The major recommendations of the Sarkaria Committee have been ignored. Further, these recommendations were not given any statutory form. After the implementation of policy of liberalization in India, one of the major trends in federalism in the post-1990s is the resurgence of state governments as vibrant players in India's political system. The states are making themselves heard and felt politically and economically more than ever before since Independence. Prominent role of the states, in the post 1990's Indian political system, can be attributed to following reasons: The decline of the one-party dominance, both at the Centre and in states; the rise of the regional parties; formation of coalition governments at the federal level; and the efforts to deregulate several sectors of the economy (liberalization) made such a change possible. One feature of political transformation is the diffusion of power downward and greater autonomy and power for the states.

The shift from one party dominance to coalition politics and multi-party governance, coupled with the process of economic liberalization initiated by India in the 1990s altered the federal calculus. As an outcome of these developments, a transformation in the federal relations from inter-governmental competition between the Central government and the states to inter-jurisdictional co-operation between the states can be seen. As a consequence, the states no longer need to rely exclusively on the central government for their economic and industrial development. The transformation from co-operative federalism to inter-jurisdictional competition has prompted states to compete with each other for further foreign investments inflows.

**Suggestions for Co-operative Federalism:** But in spite of some tensions in Federal Relations, Central Government is working to strengthen the federal polity. In order to keep healthy relationship between the Centre and States the government should follow the following points:

- To make the judicial remedy more purposeful on grounds of malafide, the material facts and grounds on which President's Rule is invoked should be made an integral part of the proclamation.

- It should be proclaimed on the basis of the Governor's report. The words 'or otherwise' (occurring in clause (1) of Article 356) should be omitted. The Governor's report should be a speaking document containing a precise statement of all material facts and grounds on the basis of which the President/Courts may satisfy himself /themselves as to the existence or otherwise of the situation contemplated in Article 356.
- President's Rule is an extraordinary provision and should not be invoked to help party-parties to maneuver for positions or to tide over some difficulties or to deprive and inconvenient party of its power.
- The State Legislative Assembly should not be dissolved either by Governor/President before the proclamation has been approved by the Parliament; otherwise it just becomes a postmortem verdict.
- A provision should be added in the Constitution that President before issuing proclamation should refer the report of the Governor to the Legislative Assembly of the State concerned for expressing its views thereon within a specified period.
- President's Rule Should not be imposed on government which commands a majority in the House.
- All information leading to the imposition of President's Rule may be widely advertised and placed before parliament and courts.
- The President must act neutral and not as agent of the party at the Centre. His decision to impose President's rule in a state may readily be accepted by all parties concerned, if he acts on the advice of a Committee of distinguished persons of high repute to advise the President in this regard.
- In the area of proclamation of President's Rule, the action of the Governor and President must be above suspicion. In fact, every proclamation is to some extent a confession of the failure of democracy, and the Centre comes into conflict directly with the states. Therefore, the Governor and President should not politicize this provision to help the political party in power at the Centre.
- In the event of a constitutional breakdown in a State, there should be a provision for an immediate holding of elections and installation of a new democratic government.

- The Judiciary has been less than fair to itself in declining jurisdiction when President's Rule has been invoked for extraneous consideration or malafide purposes or in violation of other provisions of the Constitution.
- States should be given more and more financial autonomy.
- States cooperate with Centre to implement the economic reforms recently adopted by the Central Government.
- Government should implement to recommendations of Puncchi Commission without making any delay.
- The Inter-State Council should be strengthened play more active role in repairing centre state relations.
- Government should restructure its Federal Policy.
- Finance Commission and Planning Commission should play impartial and fair role in Federal Relations.

**Conclusion:** Now concluding the whole discussion, there is urgent need to examine the Federal Polity and Federal Relations. Recently, the United Progressive Alliance is going to complete its second term. As a Coalition Government the Central Government is facing many problems internally and externally. But the States are enjoying more autonomy in the era of liberalization and coalition politics. If they do not accompany by adequate and enduring support to the Central Government, the development process will stop and in the long run the Federal Relations will move into anti-Federal Relations. Recently, on the issue of creation of Telangana as a new state controversy between centre and states may be observed. Most of the politician are advocating need of small states in India to make the centre-state relations harmonious in the recent time.

#### References:

- Arora, S.C., *Current Issues and Trends in Centre-State Relations*, (Delhi: Mittal Publications, 1991).
- Awasthy, S.S., *Indian Govt. and Politics*, (New Delhi: Har-Anand Publications, 2000).
- Bhambhri, C.P., *Indian Politics Since Independence*, (New Delhi: Shipra Publication, 1999).

- Bhatia, K.L., *Federation and Frictions in Centre-State Relations*, (New Delhi: Deep & Deep Publications, 2001).
- Mohanty, Chittaranjan, “Federalism in Post-Liberalization India”, *Third Concept*, Vol. 22, August, 2008.
- Raman, P., “The Fight for the Federal Cake”, *The Tribune*, Chandigarh, July 11, 2000.
- Shukla, Ananta, “Recent Trends in Centre-State Relations”, *Indian Journal of Politics*, Vol. XXXVI, January-June 2002.
- Thakur, Sumeet, “In Defence of Indian Federalism”, *Vidhanmala*, Vol. 1, June 2011.
- Tiwana, S.S., “Centre-State Relation in India: A Plea for State Autonomy”, *Punjab Journal of Politics*, Vol. XXVI, 2002.