

Tensions in Centre – State Relation in India With Reference To the Position and Role of a Governor of a State

Zoramthanga*

Govt. J. Thankima College, Aizawl, Mizoram

Abstract – *With the end of the Second World War and the process of decolonization in international politics under the aegis of the United Nations, many new nations emerged in Asia, Africa and Latin American countries. India was one of the nations that emerged as independent nation a result of the decolonization process. With the status of an independent nation, a new challenged that was posed before the Indian nation was the administration of India as one country, the integration of all princely states and the process of nation building through the existence of a constitution and a strong administrative machinery. The challenged was addressed through the framing of the Indian Constitution and the adoption of the federal form of government. Whereas, the Constitution was deemed to deliver rule of law and democracy, the federal nature was meant to address the aspirations and particular identity of the federating units. Hence, after Indian independence, the nation's administrative machinery operates as perceived and desired by the nation builders and founding fathers of the nation. There was cordial relationship between the Centre and the States during 1947 – 1967. The period was an era of one party dominance in which the Indian National Congress was ruling with absolute majority, both at the Centre and in the States.*

However, after the demise of Jawaharlal Nehru, the dominance of the Indian National Congress was challenged when the Congress party in some States were defeated and thereby disrupting the power equation of the Centre and the States. Various reasons can be attributed for emergence of the role of regional parties in the formation of the government at the Centre. The details of the reasons were discussed in the paper. With the dominance of the Congress Party diminishing, confrontation and challenge to the Centre by States government became a prominent political picture. Some major areas of administrative relationship between the Centre and the States, such as, the imposition of President's Rule in the States, deployment of central forces, reservation of bill for the Centre by the Governor and fiscal relationships in favour of the Centre has been discussed. One of the major issues in the Centre and State relationship is the 'Office of the Governor' of the state. The Governor acts on behalf of the Centre Government and appointed by the same but however, operates in the States. His peculiar role and position in the State has been under severe criticisms and have been manipulated by the ruling party to acquire political gains in their favour. Hence, this paper highlights the issues and major cause of tensions between the Centre and the States. Among the number of Commissions appointed to study and provide suggestions towards Centre and State relationships, the Sarkaria Commissions have been highlighted. And suggestions for administering better relationships between the Centre and the States through the Governor have also been presented. In fine, the political scene of India has change from a one party dominance to a coalition government where the regional parties play a crucial role not only in the formation of governments, both in the Centre and States, but also in the process of decision making at the Centre. It is evident indeed, that these regional parties would significantly influence the structural and functional working of the Indian federal system.

However, an over bearing Centre and weak States or a weak Centre with strong States is a dangerous proposition. Modification should be carried out by avoiding these extremes. What is needed is a commitment to develop cooperative-competitive federalism and to check the conflictualist and confrontation list federalism which has been in existence particularly after the general election of 1967. Strong States with a strong Centre should be the ideal.

-----X-----

INTRODUCTION

A Federation is a form of government that is formed by a compromise between the states that wishes to retain their identity and autonomy. This political mechanism was created more than two hundred years ago when the thirteenth erstwhile British colonies, which were independent units, signed a compact to form a new political unit known as the United States of America. Since then, a number of such unions have been formed in Canada, Australia and India. With the passage of time, some of them have become strong unions, such as found in USA, while others have disintegrated as witnessed in the USSR and in Yugoslavia.

The framers of the Indian Constitution had carved out a federal form of government in which the Union Government was not only very powerful in terms of distribution of powers, but has also been bestowed with enormous authority to interfere in the functioning of the State(s). This approach to federalism may have been made with a belief that it is only the Centre which can work for a common end and maintain unity in a plural society like India. However, in the Constituent Assembly, it was pointed out that the Indian scheme was one of 'Cooperative Federalism,' which clearly indicates a desire for a federal spirit. Therefore, the Indian federalism aims at promoting close cooperation between the Centre and the State(s). Besides the constitutional distribution of powers between the Centre and the State(s), there are other extra-constitutional factors determining the Centre – State relationships. As such, the flaws and weaknesses, both at the structural and at the functional level are gradually revealed.

ERA OF CORDIAL CENTRE – STATE RELATIONSHIP (1947 – 1967)

The twenty years from 1947 to 1967 was marked by the existence of a cordial relationship without any major conflict between the Centre and the States. This happy state of affair was mainly due to, viz, the dominance of one political party in power, both at the Centre and at the States, and the national leadership which was focused on Jawaharlal Nehru.

In the three general elections held between 1946 to 1967, the Indian National Congress won with a spectacular majority and form ministries at the Centre as well as in the States. However, the only exception was Kerala, where a coalition government was formed by the Communist Party of India. The Congress was an old, well organized and a disciplined political party, as such the advice and directions of its party High Command were readily accepted by the States.

CONFRONTATION SINCE 1967

The sad demise of Jawaharlal Nehru on May 27, 1964 led to a dramatic change in the Centre – State

relationships. While the Prime Minister usually enjoyed the prerogative of appointing a Chief Minister, the Chief Minister(s), in turn, play a big role in choosing the Prime Minister, as found in the case of Lal Bahadur Shastri (1964) and Indira Gandhi (1966).

Even though the Party secured a majority at the Centre, the general election of 1967 put an end to the twenty years monopoly of the Congress as it lost its majority in many States leading to the formation of a non-congress government in states like Kerala, Madras (Now Tamil Nadu), Orissa, West Bengal and Punjab.

The United Front Government of West Bengal was more defiant and threw an open challenge to the Union Government. To cite an instance, the West Bengal Government in 1968 refused the use of police forces to protect central offices, agencies and communications; it asked the Centre to withdraw the Central Reserved Police Forces and gave a notice that it does not like the CRPF to be stationed without its consent. Apart from these, the governments of Kerala and West Bengal openly asked the Central Government for a change in the service conditions of the All India Civil Services with a view to bring them under their control. They had also expressed that they do not prefer to have such services at all.

REASONS FOR CONFRONTATION

The election of various regional political parties in the States tends to disrupt the cooperative relationship between the Centre and the States. Two parliamentary system of government operating concurrently, one in the Centre and the other in the States, which are capable of coming under different political parties is bound to contradict one another for political gains.

The Constitution does not provide any strong means at the disposal of the Centre to force a State to carry out its directions, and particularly, if the State concerned is determined to defy it. Therefore, it is obvious that the Union Government must act through the agency of a Governor and it's All India Civil Services. However, the tragedy of the office of the Governor lies in being abused both by the Centre and the States to meet their ends. So far as the Emergency provisions are concerned, they are in the nature of reserved powers and can be used in emergencies only. Under the circumstances, the Centre lacks appropriate instruments to exercise authority over a defiant States which does not feel happy being controlled by the Centre.

The States have been given the responsibility of ushering a Welfare State and hence, subjects such as, agriculture, industries, food, irrigation, education, etc, has been listed in the State List. With the Central Government creating corresponding ministries in the Central Government, the basic question whether it is

the Centre or the State which responsible for development arises.

The States find the Balance of Power heavily tilted in favour of the Centre in the federal scheme drawn by the Constitution. The exploitation of the constitutional provisions governing the Centre – State relation by successive Union Government for securing partisan interest has added colour and weight to the federal constitution that has worked in an Unitarian spirit, that eventually led to the States demanding more autonomy. Some regional political parties like the Akali Dal in Punjab, National Conference in Jammu & Kashmir, Dravida Munetra Kazhagam in Tamil Nadu, and Assam Gana Parishad in Assam go to the extent of expressing their desire to limit the powers of the Union Government and wanted more powers to be transferred to the State List. Some States demand additional financial resources and powers to formulate and implement developmental plans control over banking, etc.

MAJOR TENSION AREAS

The Central government being endowed with greater authority by the Constitution and their interference in the administration of the States has caused major strains in the Centre – State relation. Important of these are:

- 1) **Imposition of President's Rule:** Imposition of President's Rule under Article 356 was made to deal with serious situations and to be used as a last resort. However, it has been misused many times by:
 - a) Dismissing a State's government having majority in the Assembly
 - b) Suspending and dissolving the Assembly in a partisan consideration.
 - c) Not giving a chance to the opposition to form government when electoral verdict is indecisive.
 - d) Denying opportunity to the opposition to form a government when a ministry resigned in anticipation of a defeat on the floor of the House.
 - e) Not allowing the opposition to form government even after the defeat of a ministry on the floor of the House.

A clear illustration of the misuse of this provision is seen in 1980 when the Janata Government at the Centre dismissed the Congress Governments in nine States.

- 2) **Deployment of Central Forces:** Many times the Centre sends para-military forces into the States to maintain law and order without consulting the State's Government, and sometimes even against the wishes of the concerned State.

- 3) **Reservation of Bill:** The power of a Governor to reserve a Bill, passed by the Legislature of a State, for the assent of the President, is another cause of tension as a Governor usually reserved a Bill against the advice of a State's Ministry, but, on the advice of the Central Government. A Governor usually exercises this provision to serve the interest of the Central Government.

- 4) **Fiscal Matters:** Tensions arise with regards to fiscal matters because of -

- a) Comparative powers of taxation.
- b) Statutory versus discretionary grants.
- c) Economic planning.

Taxation power: The Central control vast resources granted through deficit financing, loans from organized money market in the country as well as in the form of foreign aid. In addition, the Central can collect surcharge on taxes and raise additional funds in times of emergency. On the other hand, the States do not have enough resources to discharge their responsibilities and sometimes failed to mobilize their own resources. Thus, the States remain dependent on the Centre.

Statutory versus discretionary grants : There are four methods of devolution of funds from the Centre to the States, viz, Obligatory sharing of Union taxes on income, assignment of certain Union duties taxes and wholly to the States, permissive sharing of Union excise duties, provision for giving financial assistance to the States in the form of grants and loans. Even though the Finance Commission was set up to regulate, coordinate and integrate the finance of the Central and State Government, the Planning Commission has undermined the power of the Finance Commission. As the Planning Commission is a Central institution and the provisions for grants-in-aid are used for political purpose, there is a general feeling that the Centre discriminates on the basis of political party consideration.

Economic Planning: Planning has been intended to push the Indian political system towards greater centralization. The provision relating to industries which was initially in the State List was transferred to the Union List without an amendment to the Constitution in the name of its being expedient for the

public interest. It is also alleged that in the name of national planning, the funds for important State's projects are being delayed by the Central for political considerations.

MEASURES TAKEN WITH RESPECT TO CENTRE-STATE RELATION:

From the above analysis it is clear that consensus and cooperation, which are pre-requisites for the smooth functioning of the Centre-State relation, have eroded and have been replaced by a growing politics of confrontation. The States have developed a feeling of deprivation on the ground that the Centre has denied them the autonomy guaranteed to them under the Constitution. Despite the changes of governments, the trend towards centralization has not been weakened. In this context, the demand for a greater and meaningful devolution of power has been assertive and more articulate over the years. Hence, committees and commissions such as the Setalvad Committee, Rajamanner Committee, The West Bengal Memorandum, etc., have been constituted to study and provide recommendations.

THE GOVERNOR – AN AREA OF TENSION:

Each State has a Governor who acts as the head of a State. The President has the power to appoint, transfer or dismiss the Governor of a State. While appointing the Governor the President can consult the State ministry but the advice is not binding upon him. Even though the Governor is appointed for five years, he holds office at the pleasure of the President.

The Governor acts in dual capacity, viz, an agent of the Centre in the State, and the head of the State's administration.

The Governor acts as a constitutional head. However, during constitutional emergency (Article 356), he becomes the real head of the State's administration. In national emergency (Article 352), the President can give direction and order and it is the responsibility of the Governor to enforce the order.

The Central Government's power of appointing and dismissing the Governor along with the Governor's power to report to the President the conditions in States which may lead to the dismissal of governments have given rise to some serious question regarding his position and role. The starting point of tension is that the Centre appoints the Governor as if he/she was a representative of the Centre (or even the ruling party at the Centre) in the States. And the ruling party has found in the office of the Governor an effective instrument to recapture power for itself. Result is, as Soli S. Sorabji (The Governor: Sage or Saboteur. *The Times of India*) puts it, "*It will not be an exaggeration to say that no institution or constitutional office has suffered greater erosion or degradation than the office of the Governor. The public today generally regards*

the Governor as an employee of the Central Government and in some cases a spy of the Centre. The unfortunate fact is that few incumbents of this high office have any clear conception of their role in our constitutional scheme and in fact regards themselves as lackeys or employees of the Central Government and readily acts according to its behest".

The Office of the Governor has been used to topple down States government in one pretext or the other. In 1959, Namboodiripad led communist government was dismissed on the ground of law and order. From 1960 to 1967, the States governments of opposition parties have been dismissed 11 times. After the general elections of 1977, the Janata Government at the Centre dismissed nine States government of the Congress party on the ground that the defeat of the Congress indicates the loss of people's trust in the Congress at the State level. In 1980 the Congress government at the Centre dismissed 11 States government of opposition parties. In 1992, the three state government ruled by the Bharatiya Janata Party was dismissed by the Congress following the demolition of the Babri Mosque (Dec 6, 1992). In 2005, Bihar's Governor S. Buta Singh dismissed the Bihar Vadhana Sabha without inviting Nitish Kumar's Samata Party to prove a majority.

To make sure that Governor acts on the behest of the Central Government the trend of appointing a Governor after consulting the State Chief Ministers were relegated during Mrs. Gandhi's regime, Mr Rajiv Gandhi and Mr. PV Narasimha Rao. In addition to that, the practices of sacking of Governors for partisan reasons have also been followed.

Apart from dismissing ministries, the Governors have also interfered in the State's Government's affairs in the name of their discretionary power. The attitude of Ms. K. Joshi towards the Telugu Desam Party in Andhra Pradesh (1980) was seen in a variety of activities she undertook, in the name of social service. Her refusal to clear some appointments and deletion from Cabinet prepared addresses were criticized as an indication of her non-cooperative stand against the norms of parliamentary form of government. The role of the Governor of Tamil Nadu Mr. C. Reddy on the issue of the launching of prosecution proceedings against the Chief Minister Jayalalitha was a controversial one. It eventually led the state assembly to pass a resolution to recall Mr. C. Reddy.

Such interference by Governors in State Government's affairs and the abuse of their powers for partisan reasons has been giving rise to a feeling of insecurity among States and a demand for - settling the issue of appointment and dismissal of Governors by themselves, the compulsion upon the Governor to act on the advice of the Council of ministers, and a definite code for the exercise of their power. The concept that Governors are agents of the

Centre in itself strains the federal principle, and to convert the office into that of a party functionary destroys not only the federal structure but also the intention of the Constitution. Unfortunately this trend continues and consequently remains a major irritant in Centre – State relation.

RECOMMENDATION OF THE SARKARIA COMMISSION REGARDING THE OFFICE OF THE GOVERNOR:

Prior to the Sarkaria Commission, the Rajamanner Committee Report of 1972 recommends that the appointment of the Governor should be made with the approval of the State Cabinet. In case, it is not possible, a high powered body should be entrusted with this responsibility. It also recommends the practice of not appointing a Governor to other post after their retirement. However, the recommendation put forward by the Dravida Munetra Kazhagam party of Tamil Nadu did not find favour with the central leadership.

The Sarkaria Commission Report of 1988 laid down three conditions for appointing a Governor:

- a) The Governor should be appointed in consultation with the Chief Minister of the State concern.
- b) A person retiring from the office of Governor should not be eligible to any other office other than the President and the Vice President of India.
- c) The persons to be appointed as Governors should be eminent and credit worthy in the social and administrative fields.

The Commission has also made a suggestion not to appoint a person actively involved in politics. And, if the ruling party at the Central and State Governments are different, the Governor should not belong to a ruling party at the Centre.

SOME SUGGESTIONS REGARDING THE OFFICE OF THE GOVERNOR:

In the light of the various committees/commission recommendations on the office of the Governor, few suggestions based on their recommendations can be summarized as follows:

- a) Changes in Article 356 with a view to preventing its easy and frequent use by the Central Government.
- b) Preparation of guidelines to be followed by the Governor in matters relating to the

appointment of the Chief Minister, dissolution of a ministry and the exercise of other discretionary powers.

- c) The office of the Governor be made elective instead of nominatives so as to make him independent of the dictates of the Centre. As an alternative, his appointment be ratified by the State Council of Minister concern.
- d) The practice of making political appointments to the office of the Governor should be dropped. No person who has been appointed as a Governor should be appointed in any other office under the State.

CONCLUSION:

The political scene of India has change from a one party dominance to a coalition government where the regional parties play a crucial role not only in the formation of governments, both in the Centre and States, but also in the process of decision making at the Centre. The national parties have to compromise with the regional parties and have to work with them, which in-turn greatly affects the stability of the government. It is evident indeed, that these regional parties would significantly influence the structural and functional working of the Indian federal system.

However, an over bearing Centre and weak States or a weak Centre with strong States is a dangerous proposition. Modification should be carried out by avoiding these extremes. What is needed is a commitment to develop cooperative-competitive federalism and to check the conflictualist and confrontation list federalism which has been in existence particularly after the general election of 1967. Strong States with a strong Centre should be the ideal.

REFERENCES:

- Alam, Mohd. Azar. (2013). Concept of Federation and Centre State Relations. *Mainstream, Volume LI, No. 23*. Retrived from <https://www.mainstreamweekly.net/article4240.html> on 14.03.2016
- Avasthi, A.P.(2008–2009). Indian Government and Politics. Agra: Lakshmi Narain Agarwal.
- Chatterjee, Sibranjan. (1992). Governor's Role in the Indian Constitution. New Delhi: Mittal Publication.
- Chishti, Seema. (2016). The governors and their role once again at the centre of things. Retrived from

<http://indianexpress.com/article/explained/the-governors-and-their-role-once-again-at-the-centre-of-things/>. Dated 14.03.2016

Ghai, UR.(2008). Indian Political System. New Delhi: New Academic Publishing Co.

Jain, S.K.(2003). Party Politics and Centre State Relations in India (1st Ed.). New Delhi:Abhinav Publications.

Kabbur, K.S. (2004). Central State Relations in India. New Delhi: Trust Books.

Kashyab, Subhash. (2004). Our Parliament. New Delhi: National Book Trust.

Kothari, Rajni.(1972). Politics in India. New Delhi: Orient Longman

Narang, A.S.(1998). Indian Government and Politics. New Delhi: Gitanjali Publishing House.

Pylee, M.V. (1968).An Introduction to the Constitution of India. New Delhi : Vikas Publishing House Nt. Ltd.

Sen, S.R. (1988). Centre State Relations in India. *Economic and Political Weekly*, Vol. 23, No. 32, pp. 1637-1641. Retrived from <http://www.epw.in/journal/1988/32/special-articles/centre-state-relations-india.html>. Dated 14.13.2016

Corresponding Author

Zoramthanga*

Govt. J. Thankima College, Aizawl, Mizoram

E-Mail – lkaizawl@gmail.com