

RECOMMENDATIONS OF SARKARIA COMMISSION ON CENTRE-STATE RELATIONS:



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Introduction:



- Centre- state relations is a subject of controversy.
- Over dominance of the centre was the main area of attack.
- In 1960s ARC headed by **M.C.Setelvad** was appointed to look into it.
- The ARC recommended for delegation of more powers – financial as well as administrative powers to the states.
- On Sept. 22, 1969 the TN govt. constituted **Rajamannar** Committee to examine the relation between centre and states to suggest suitable amendments to the constitution so as to secure more autonomy to the states(submitted report 1971).
- The central government completely ignored the committee's report as it was set up by a state.

Sarkaria Commission:



- It was set up by **Mrs. Indira Gandhi's** government in 1983 to review the centre-state relations and recommend changes if necessary within the existing set up.
- The commission submitted its report in 1988 in two parts – the first part the main report & second part, the memoranda of the state governments & political parties.

Terms of reference of the commission:



- To review the working of the existing arrangements between the union & states in regard to powers, functions & responsibilities in all matters and recommend such changes or other measures as may be appropriate.
- In doing so the commission has to keep in view the social & economic developments that have taken place over the years.
- **Give due regard to the scheme & framework of the constitution.**
- **To protect the independence & ensure the unity & integrity of the country for promoting the welfare of the people.**

Recommendations of the Commission:



- It made a number of recommendations in various spheres. They are –
 - 1. Legislative Relations:**
 - a.** Legislation regarding **the creation or abolition of a Vidhana Parishat in a state** by the parliament as desired by the resolution of the state assembly within a reasonable time.
 - b.** In the concurrent list, if the Union government propose to make a law, **it shall consult the state government & Inter- governmental Council.**
 - c.** **Residuary power regarding taxation should remain in the concurrent list.**

2. Administrative Relations:



- In the event of non-compliance of the Unions directions by a state, sanctions issued under **Art. 365 should be used as a last resort.** Prior to its use, all efforts should be made to settle conflict by all available means.

3. Role of the Governor:



- a. Art.155 should be amended so as to ensure effective **consultation with the CM before the selection of a person for governors post.**
- b. The vice-president of India & speaker of Loka Saba may be consulted by the PM in selecting a governor.
- c. A politician in the ruling party at the union level should not be appointed as the governor of a state, if there is a different party in power at the state level.

Role of the Governor...



- d. Governors tenure should not be disturbed for 5 years & as a matter of convention he should not occupy any other position after his retirement.
- e. The governor should appoint the CM guided by the following principles –
 - i) Leader of the majority party or parties,
 - ii) Should seek the vote of confidence in the assembly within 30 days of his appointment as the CM.,
 - iii) **As long as the council of ministry possess a majority in the assembly he cannot use his discretionary powers.**

4. Reservation of Bills by Governor for Presidents consideration:



- **Needless reservation of bills for presidents consideration should be avoided(Art.200).**
- He should not act contrary to the advice of his council of ministers even if he does not like the policy embodied in the bill.
- President could with-hold assent to the bill only if it subverts the constitutional system. Governors assent should not be with-hold on the ground that the union is contemplating to legislate on it in future.

5. Promulgation of Ordinances:



- a. The state governments **should give up the practice of repeated promulgation** without trying to get it passed by the legislature.
- b. The decision to promulgate ordinances should be based on the collective decision of the Union Council of ministers.

6. Emergency Provisions:



- a. Art. 356 should be used very rarely** as a measure of last resort, only when all available alternatives are used.
- b. Unless the proclamation of State Emergency is approved by the Parliament the governor should not dissolve the assembly.**
- c.** The facts and grounds on which state emergency proclaimed should be an integral part of the proclamation.

7. Deployment of the Union Armed Forces in a state:



- Before deploying armed forces, **the union government should consult the state government** or declaring an area within the state as disturbed.

8. All India Services:



- The Commission understand the need of the All India Services in maintaining the unity of the country.
- **It discouraged the move to disband All India Services in any state.**
- It encouraged the strengthening of the All India Services in order to play a greater role in improving the efficiency in administration.

9. Inter-governmental Council(Art.263):



- It recommended for setting up permanent Interstate Council or Inter- governmental Council to discuss subjects of common interest to all states.
- **It recommended for constituting Zonal Councils under Art. 263.**

10. Financial Relations



- In order **to raise the resources from agricultural income** political consensus should be forged to levy tax in consultation with National economic and development council.
- **The net proceeds of Corporation Tax should be shared with the states.**
- The surcharge on Income Tax should not be levied except for a specific purpose that too for a limited period.

11. Social & Economic Planning:



- It recommends many measures to improve the working of Finance Commission, Planning Commission & National Development Council.
- **It recommends for decentralization of planning process in order to improve efficiency.**

12. Views regarding Changes in the Constitution:



- It felt that **drastic changes are not required** in the constitution and the amendment process is sufficient to meet the changes and adjust itself.
- **It is neither advisable nor necessary to make any drastic changes in the basic character of the constitution.**
- Thus, its recommendations are well balanced and very much in accordance with the spirit of the constitution so as to ensure the unity and integrity of the country.