

I: CENTRE STATE RELATIONS

Dr. A. RAVISANKAR, Ph.D.,

India is a union of states. The constitution of India has divided the legislative, executive and financial powers between the centre and the states, which gives the constitution a federal character whereas judiciary is integrated in a hierarchical structure.

The centre-state relations are divided into three parts, which are mentioned below:

- (A) Legislative Relations (Article 245-255)
- (B) Administrative Relations (Article 256-263)
- (C) Financial Relations (Article 268-293)

Legislative Relations

Articles 245 to 255 in Part XI deals with different aspects of legislative relations between centre and states. These include:

- (1) Territorial jurisdiction of laws made by the Parliament and by the Legislatures of States.
- (2) Distribution of legislative subjects
- (3) Power of parliament to legislate with respect to a matter in the State List
- (4) Centre's control state legislation

However, Seventh Schedule of the Constitution provides for the distribution of legislative powers between the centre and the states. The legislative subjects are divided into List I (the Union List), List II (the Concurrent List) and List III (the State List).

- At present, there are 100 subjects in the Union list which includes subjects such as foreign affairs, defence, railway, postal services, banking, atomic energy, communication, currency etc.
- At present, there are 61 subjects in the State list. The list includes subjects such as police, public order, roadways, health, agriculture, local government, drinking water facilities, sanitation etc.
- At present, there are 52 subjects in the concurrent list. The list includes subjects such as education, forests, protection of wild animals and birds, electricity, labour welfare, criminal law and procedure, civil procedure, population control and family planning, drugs etc.

Article 245 empowers the centre to give directions to the states in certain cases in regards to the exercise of their executive powers.

Article 249 empowers the parliament to legislate with respect to a matter in the State List in the national interest.

Under Article 250, the parliament becomes empowered to make laws on the matters related to state list when national emergency (under Article 352) is in operation.

Under Article 252, the parliament is empowered to legislate for two or more States by their consent.

Administrative Relations

Article 256 to 263 deals with the administrative relations between the centre and the states. Article 256 states that "the executive power of every State shall be so exercised as to ensure compliance with the laws made by the parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose".

Cooperation Between the Centre and the States

The constitution lays down various provisions to secure cooperation and coordination between the centre and the states. These include:

- (i) Article 261 states that "Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of every State".

(ii) According to Article 262, the parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.

(iii) Article 263 empowers the President to establish an inter-State Council to inquire into and advise upon disputes between states, to investigate and discuss subjects in which some or all of the States, or the Union and one or more of the States, have a common interest.

(iv) As per Article 307, Parliament may by law appoint such authority as it considers appropriate for carrying out the purposes of the constitutional provisions related to the inter-state freedom of trade and commerce.

Centre-State Relations during Emergency

(i) During a national emergency (under Article 352), the state government become subordinate to the central government. All the executive functions of the state come under the control of the union government.

(ii) During a state emergency (under Article 356), the president can assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or authority in the State other than the Legislature of the State.

(iii) During the operation of financial emergency (under Article 360), the Union may give directions to any State to observe such canons of financial propriety as may be specified in the directions, and to the giving of such other directions as the President may deem necessary and adequate for the purpose.

Financial Relations

The Constitution deals with the centre-state financial relations in Article 268-293 of Part XII.

Allocation of taxing powers

The Constitution has provided the union government and the state governments with the independent sources of revenue. It allocates the powers to centre and the states in the following way:

(i) The parliament has exclusive power to levy taxes on the subjects mentioned in the Union List.

(ii) The state legislatures has exclusive power to levy taxes on the subjects mentioned in the State List

(iii) Both the parliament and the state legislature are empowered to levy taxes on the subjects mentioned in the Concurrent List.

(iv) The parliament has exclusive power to levy taxes on the matters related to the residuary subjects.

However, in case of tax revenue distribution,

- article 268 states that duties are levied by the Union but are collected and appropriated by the States;
- Service tax levied by Union and collected and appropriated by the Union and the States (Article 268-A);
- Taxes levied and collected by the Union but assigned to the States (Article 269);
- Taxes levied and collected by the Union but distributed between the Union and the States (Article 270).
- Surcharge on certain duties and taxes for purposes of the Union (Article 271)

Under Article 275, the parliament is authorized to provide grants-in-aid to any state as parliament may determine to be in need of assistance, and different sums may be fixed for different States.

Under Article 282, the union or a state may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws.

Under Article 352, during the operation of national emergency, the distribution of revenues between the centre and the states can be altered by the president.

Under Article 360, during the financial emergency, the executive authority of the Union shall give directions to any State to observe such canons of financial propriety as may be specified in the directions and to give the directions as the President may deem necessary and adequate for the purpose.

The important recommendations of the first administrative reforms commission related to the centre-state relations are:

Establishment of an Inter-state council under Article 263

1. Decentralization of powers to the states as much as possible
2. More transfer of financial resources to the states
3. Arrangements for devolution in such a way that the states can fulfil their obligations
4. Advancement of loans to states should be related to as 'the productive principle'.
5. Deployment of central armed forces in the states either on their request or otherwise

During state emergency, under Article 356, President's Rule can be imposed in event of the failure of constitutional machinery in a state.

II: INDIRA GANDHI-REFORMS

The Congress Party came to power when her father took office in 1947, and Gandhi became a member of its working committee in 1955. In 1959 she was elected to the largely honorary post of party president. She was made a member of the Rajya Sabha (upper chamber of the Indian parliament) in 1964, and that year Lal Bahadur Shastri—who had succeeded Nehru as prime minister—named her minister of information and broadcasting in his government.

On Shastri's sudden death in January 1966, Gandhi was named leader of the Congress Party—and thus also became prime minister—in a compromise between the party's right and left wings. Her leadership, however, came under continual challenge from the right wing of the party, led by former minister of finance Morarji Desai. She won a seat in the 1967 elections to the Lok Sabha (lower chamber of the Indian parliament), but the Congress Party managed to win only a slim majority of seats, and Gandhi had to accept Desai as deputy prime minister.

REFORMS-EMERGENCY

The Bangladesh war raised Prime Minister Gandhi to virtual "mother goddess" stature at home. She was viewed as a brilliant military strategist and diplomat, and her popularity was never greater than in the years immediately after that brief December war. By late 1974, however, Gandhi's golden image had tarnished, for, despite her campaign rhetoric, poverty was hardly abolished in India. Quite the contrary, with skyrocketing international oil prices and consumer-goods inflation at home, India's unemployed and landless as well as its large fixed-income labouring population found themselves sinking deeper into starvation's grip and impossible debt. Student strikes and mass protest marches rocked Bihar and Gujarat, as Narayan and Desai joined forces in leading a new Janata Morcha ("People's Front") movement against government corruption and Gandhi's allegedly inept leadership. The mass movement gathered momentum throughout the first half of 1975 and reached its climax that June, when the Congress Party lost a crucial by-election in Gujarat and Gandhi herself was found guilty by the High Court in Allahabad (Uttar Pradesh) of several counts of election

malpractice during the last campaign for her Lok Sabha seat. The mandatory penalty for that crime was exclusion from holding any elective office for six years from the date of conviction.

Opposition leaders threatened a civil disobedience campaign to force the prime minister to resign, and many of her oldest cabinet colleagues and Congress Party advisers urged her to step down pending an appeal to India's Supreme Court. Following instead the advice of her ambitious and energetic younger son, Sanjay, on June 26, 1975, Gandhi persuaded President Fakhruddin Ali Ahmed to declare a national emergency, which empowered her to do whatever she considered best for the country for at least six months. The elite Central Reserve Police force, the prime minister's palace guard, was ordered to arrest Desai and the ailing and aged Narayan, as well as hundreds of others who had worked with her father and Mohandas Gandhi in helping India to win its freedom from British rule. She then blacked out the entire region of Delhi in which the press was published and appointed Sanjay as her trusted personal censor of all future news leaders and editorials. Her minister of information and broadcasting, Inder K. Gujral, immediately resigned rather than accept orders from Sanjay, who held no elective office at the time but who clearly was becoming one of the most powerful persons in India. "India is Indira, and Indira is India," was the call of Congress Party sycophants, and soon the country was plastered with her poster image. Practically every leader of India's political opposition was jailed or kept under house arrest for almost two years, and some of India's most prominent journalists, lawyers, educators, and political activists were muzzled or imprisoned.

Gandhi announced her Twenty-Point Program soon after the emergency was proclaimed, and most points were aimed at reducing inflation and energizing the economy by punishing tax evaders, black marketers, smugglers, and other real criminals. Prices did come down, production indexes rose dramatically, and even the monsoon proved cooperative by bringing abundant rains on time for two years in a row. At the same time, however, popular discontent was fostered by some of the emergency acts, such as a freeze on wage increases, pressure for increased worker discipline, and a birth-control program initiated by Sanjay that mandated sterilization for families with more than two children. It was perhaps because of the economic gains that the prime minister decided early in 1977 to call general elections, but she may also have believed what she read about herself in her controlled press or feared a military coup had she simply refused to seek a civil mandate for her policies. Most political prisoners were released, and Narayan immediately joined Desai in quickly revitalizing the Janata movement, whose campaign warned Indians that the elections might be their last chance to choose between "democracy and dictatorship." In the elections, held in February, Indira lost her Lok Sabha seat, and Sanjay lost his bid for one. Most of their loyal followers also lost their electoral contests, and the Congress Party was reduced to just 153 seats, 92 of which were from four of the southern states. The Janata Party's 295 seats (of a total 542) gave it only a modest majority, but opposition candidates together represented more than two-thirds of the Lok Sabha membership.

OPERATION BLUE STAR

On 13th April 1977, the head of The fake Nirankaris, named Gurbachan led a procession in Amritsar. Earlier he had declared that "If Guru Gobind Singh can make five beloved one's, he will make seven stars". The fake Nirankaris are strongly associated with the Arya Samajis and other such organizations which came out of efforts to reform Hinduism, they were seeking to free Hinduism from its age old superstitions and rituals—the same rituals that Guru Nanak had rebuffed even in his childhood. However, instead of targeting the common Hindu awash in such ritualism, this movement's individuals spearheaded their efforts towards the Sikhs.

The fake Nirankaris, and another group of the same ilk, the Arya Samajis, wanted the Sikhs to shave off their beards, doff their turbans and doubtless shear their long hair, losing many of their ties to Guru Gobind Singh's 5 Kakars, and assimilate into Hinduism (or Hinduism, **as they saw it**, with such rituals as "Havan"). So on the occasion of Vasakhi, the very day that the Khalsa was born, the same day of the Jallawalian Bagh massacre--Gurbachan Nirankari had the unmitigated gall to lead an armed mob right through Amritsar, to the Holy Takhat (for Sikhs the Eternal Throne of Akaal Purack.)

Jarnail Singh Bhindrenwale was, at this time, a little known preacher, who would visit villages and preach to youngsters to reaffirm the essential credos of their Gurus and return to Sikhi. The Akhand Kirtani Jatha (an Akali group with a totally opposing viewpoint, to say the least), with its leaders, set out from the Akal Takht to stop Gurbachan Nirankari for his inflammatory, "Creating five stars" boast, a non-to-suttle suggestion that he would **best** Guru Gobind Singh ji. Gurbachan and his armed accomplices opened fire on the Akalis and, one by one, a total of 13 Akalis were killed.

III: EMERGENCY

Gandhi's golden image had tarnished, for, despite her campaign rhetoric, poverty was hardly abolished in India. Quite the contrary, with skyrocketing international oil prices and consumer-goods inflation at home, India's unemployed and landless as well as its large fixed-income labouring population found themselves sinking deeper into starvation's grip and impossible debt. Student strikes and mass protest marches rocked Bihar and Gujarat, as Narayan and Desai joined forces in leading a new Janata Morcha ("People's Front") movement against government corruption and Gandhi's allegedly inept leadership. The mass movement gathered momentum throughout the first half of 1975 and reached its climax that June, when the Congress Party lost a crucial by-election in Gujarat and Gandhi herself was found guilty by the High Court in Allahabad (Uttar Pradesh) of several counts of election malpractice during the last campaign for her Lok Sabha seat. The mandatory penalty for that crime was exclusion from holding any elective office for six years from the date of conviction.

Opposition leaders threatened a civil disobedience campaign to force the prime minister to resign, and many of her oldest cabinet colleagues and Congress Party advisers urged her to step down pending an appeal to India's Supreme Court. Following instead the advice of her ambitious and energetic younger son, Sanjay, on June 26, 1975, Gandhi persuaded President Fakhruddin Ali Ahmed to declare a national emergency, which empowered her to do whatever she considered best for the country for at least six months. The elite Central Reserve Police force, the prime minister's palace guard, was ordered to arrest Desai and the ailing and aged Narayan, as well as hundreds of others who had worked with her father and Mohandas Gandhi in helping India to win its freedom from British rule. She then blacked out the entire region of Delhi in which the press was published and appointed Sanjay as her trusted personal censor of all future news leaders and editorials. Her minister of information and broadcasting, Inder K. Gujral, immediately resigned rather than accept orders from Sanjay, who held no elective office at the time but who clearly was becoming one of the most powerful persons in India. "India is Indira, and Indira is India," was the call of Congress Party sycophants, and soon the country was plastered with her poster image. Practically every leader of India's political opposition was jailed or kept under house arrest for almost two years, and some of India's most prominent journalists, lawyers, educators, and political activists were muzzled or imprisoned.

Gandhi announced her Twenty-Point Program soon after the emergency was proclaimed, and most points were aimed at reducing inflation and energizing the economy by

punishing tax evaders, black marketers, smugglers, and other real criminals. Prices did come down, production indexes rose dramatically, and even the monsoon proved cooperative by bringing abundant rains on time for two years in a row. At the same time, however, popular discontent was fostered by some of the emergency acts, such as a freeze on wage increases, pressure for increased worker discipline, and a birth-control program initiated by Sanjay that mandated sterilization for families with more than two children. It was perhaps because of the economic gains that the prime minister decided early in 1977 to call general elections, but she may also have believed what she read about herself in her controlled press or feared a military coup had she simply refused to seek a civil mandate for her policies. Most political prisoners were released, and Narayan immediately joined Desai in quickly revitalizing the Janata movement, whose campaign warned Indians that the elections might be their last chance to choose between "democracy and dictatorship." In the elections, held in February, Indira lost her Lok Sabha seat, and Sanjay lost his bid for one. Most of their loyal followers also lost their electoral contests, and the Congress Party was reduced to just 153 seats, 92 of which were from four of the southern states. The Janata Party's 295 seats (of a total 542) gave it only a modest majority, but opposition candidates together represented more than two-thirds of the Lok Sabha membership.

IV: NON CONGRESS MINISTRY- MORAJI DESAI

First term as a Prime Minister

In January 1977, Indira Gandhi dissolved the Lok Sabha and declared that elections to the body were to be held during March 1977. Opposition leaders were also released and promptly formed the Janata alliance to fight the elections. The alliance registered a landslide victory in the election. On the urging of Jayaprakash Narayan, the Janata alliance selected Desai as their parliamentary leader and thus the Prime Minister.

Foreign policy

Desai restored normal relations with China, for the first time since the 1962 war. He also communicated with the military ruler of Pakistan, General Zia-ul-Haq and established friendly relations. Despite his pacifist leanings, he refused to sign the non-nuclear proliferation treaty despite the threat of stopping supply of uranium for power plants by the USA Congress.

Nuclear programme

Domestically, Desai played a crucial role in the Indian nuclear program after it was targeted by major nuclear powers after India conducted a surprise nuclear test in 1974. Desai kept India's nuclear reactors stating "they will never be used for atomic bombs, and I will see to it if I can help it". Internationally, he reaffirmed India's stand that it would not manufacture nuclear weapons and would refrain from conducting even peaceful nuclear explosions. In 1977, the Carter administration offered to sell heavy water and uranium to India for its nuclear reactors but required American on-site inspection of nuclear materials. Desai declined, seeing the American stance as contradictory, in light of its own nuclear arsenal.

Decimation of R&AW

Morarji Desai had described the Research and Analysis Wing (R&AW), India's external intelligence agency, as the praetorian guard of Indira Gandhi and had promised to stop all activities of the R&AW after becoming prime minister. He closed down much of the agency, and reduced its budget and operations, such as closing its Information Division. B. Raman, the former head of the Counter-Terrorism Division of R&AW and noted security analyst, revealed that in an informal discussion, Morarji Desai indiscreetly told Pakistan's Chief Martial Law

Administrator General Zia ul-Haq that his government was well aware of Pakistan's nuclear development.

Intra-party squabbles and collapse of Janata government

His government undid many amendments made to the constitution during emergency and made it more difficult for any future government to impose a national emergency. However, the Janata Party coalition was full of personal and policy friction and thus failed to achieve much, owing to continuous in-wrangling and much controversy. With no party in leadership of the coalition, rival groups vied to unseat Desai. Controversial trials of prominent Congress leaders, including Indira Gandhi over Emergency-era abuses worsened the fortunes of his administration. In 1979, Raj Narain and Charan Singh pulled out of the Janata Party, forcing Desai to resign from office and retire from politics. The chief reason for the collapse was the demand by the duo and other left-leaning members, like Madhu Limaye, Krishan Kant, and George Fernandes that no member of the Janata party could simultaneously be a member of an alternative social or political organisation. This attack on "dual membership" was directed specifically at members of the Janata Party who had been members of the Jan Sangh, and continued to be members of Rashtriya Swayamsevak Sangh, the Jan Sangh's ideological parent.

.....