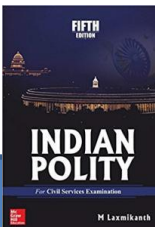
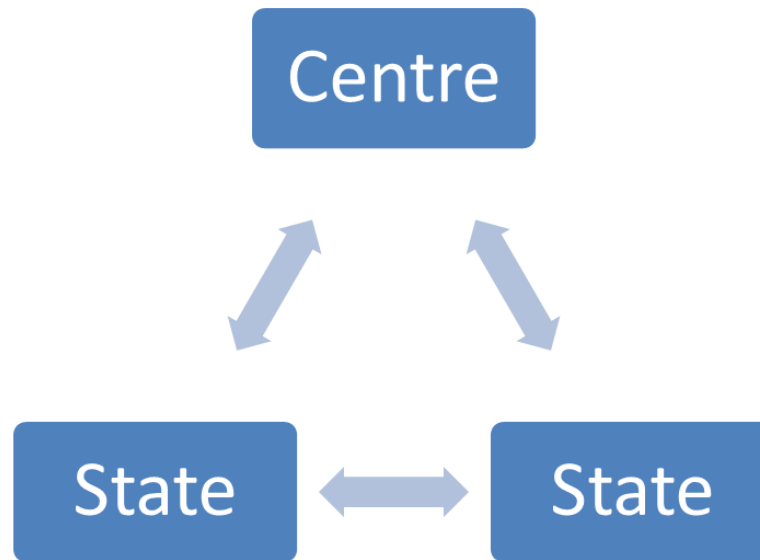


Indian Federal System – Inter State Relations



CONSTITUTIONAL provisions related to Inter-State relations

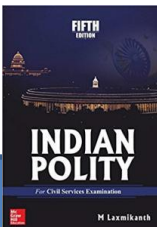
Adjudication of inter-state water disputes – Art. 262

Coordination through inter-state council – Art.263

Mutual recognition of public acts, records and judicial proceedings – Art. 261

Freedom of inter-state trade, commerce and intercourse – Art. 301

➤ **STATUTORY provision – Zonal Councils**



Art. 262 – 2 provisions

1. Parliament provide law for adjudication of inter state river valley

2 laws

- ✓ **River Boards Act, 1956 – River Boards established by Centre on states request, regulation & development of inter state river valley**
- ✓ **Inter State water Disputes Act, 1956 – Central Gov. to set up ad hoc tribunal for inter state river valley disputes, decision final & binding on parties, NO jurisdiction for S. Court/any other Court, 8 tribunals – 1st Krishna...8th Mahadayi**

Need for extra judicial machinery?

2. Parliament provide NO jurisdiction for Supreme Court/any other Court on such dispute/complaint

Art.263

President can establish, at any time, define the nature of duties but, Article 263 itself specifies duties

- ✓ **Enquiring & advising inter-states disputes [Complementary to Art.131]**
- ✓ **Investigating & discussing issues of common interest to Centre & states**
- ✓ **Making recommendations & coordination**

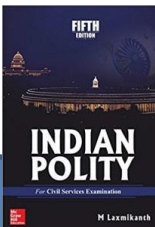
President established councils in the specific subjects

❖ **Central Council of Health**

❖ **Central Council of Local Gov. & Urban Development**

❖ **Regional Councils for sales tax**

Note: Central Council of Indian Medicine & Homeopathy set up under acts of Parliament



INTER-STATE COUNCIL

Sarkaria Commission recommended strongly

1990 V.P. Singh Gov. established

Consists of →

P.M. – CHAIR, Members: CMs – states + UTs, Administrators – UTs,

Governors of states under President's rule, 6 cabinet ministers including HM nominated by PM

permanent invitees: 5 cabinet ministers/MoS (Independent Charge)

Recommendatory body – issues of inter-state, Central-state & Centre – UTs relations

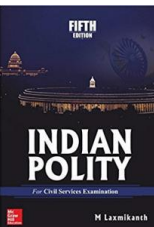
Duties

- ✓ **Investigating & discussing issues of common interest to Centre & states**
- ✓ **Making recommendations & coordination**
- ✓ **Deliberating matters of general interest referred by PM**

Council may meet (held in camera) at least thrice in a year, decision by consensus

INTER-STATE COUNCIL Secretariat [ISCS]...

For continuity → Secretariat → ISCS, set up in 1996, headed by secretary to Gol, also Secretariat to Zonal Councils from 2011



Jurisdiction of each state in its own territory, so - Art 261

Full faith & credit to public acts [legislative & executive] , records and judicial proceedings of the Centre & states

Mode of Proof and effects of such things...Parliament by law

Civil judgments executable all over India...but, NOT penal (criminal) laws

ART. 301 TO 307 – Part XIII

Art. 301 – inter and intra state trade, commerce and intercourse - freedom

☐ Art. 302 to 305 – restrictions on above

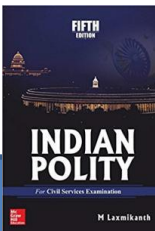
☐ Parliament -in public interest, but no discrimination [Essential Commodities Act, 1955]

☐ With previous sanction by President state legislature but no discrimination

☐ commodity 'A' taxable in a state, imported A taxable

☐ Subject to state monopoly/nationalization

➤ Parliament can appoint an authority for ART. 301 TO 307...but NO such authority[in US, yes]



ZONAL COUNCILS

Established by States Reorganization Act, 1956 & North – Eastern council Act, 1971

J&K, HP, HY, PJ, RJ,
DI & Ch
NEW DELHI

ARP,A
S,NL,M
A,MI,T,
ME &
SK

GJ, MH, G,
D&NH, D&D
Mumbai

UP, UT, CH, MP
Allahabad

BH, JH, WB,
O
Kolkata

AP,K, TN, KL, Py
Chennai

Factors forming these Councils

- 1. Natural divisions of the country**
- 2. River systems & means of communication**
- 3. Cultural & linguistic affinity**
- 4. Requirements of economic development**
- 5. Security, law & order**

Composition of Zonal Councils

❖ **Members: Home Minister (Common Chairman of all Zonal Councils), CMs of that zone (Vice – Chair/year on rotation), 2 ministers from each state, Administrators of UTs**

❖ **Advisors: a nominated person of Planning Commission, Chief Secretaries, development commissioners**

Functions/aims/objectives

- ✓ **Promoting cooperation & coordination between Centre/states/UTs**
- ✓ **Deliberation & advise on issues like linguistic minorities, border disputes etc.**
- ✓ **Emotional integration**
- ✓ **Experience sharing**
- ✓ **Speedy execution of projects**
- ✓ **Political equilibrium between different regions**
- ✓ **Regional plan**
- ✓ **Security & public order**

