

Different Commissions and their Recommendations

Sarkaria Commission

Background

- The agitation for State autonomy led to the creation of the Sarkaria Commission by the Central Government to recommend changes in the Centre-State relationship.
- The Commission submitted its report in 1988.
- The founding fathers of the Indian Constitution were deeply concerned about ensuring the unity and integrity of the country. They were aware of the forces of disruption and disunity working within the country. These dangers at the time of independence could be handled only by a strong government at the Centre.
- Therefore, the framers of the Constitution assigned a predominant role to the Centre.
- At the same time, they made provisions for the establishment of cooperative federalism.
- The working of the Indian federation during the last five decades clearly shows that the relations between the Centre and the States have not always been cordial.
- The Administrative Reforms Commission and several other Commissions were appointed by the Government of India from time to time to regulate Centre-State relations.
- The Union Government appointed the Sarkaria Commission to suggest ways and means to improve Centre-State relations.
- The clamour for more autonomy led to the constitution of the Sarkaria Commission in 1983 which was asked to examine and review existing arrangements between the Centres and the States in all spheres and recommend appropriate changes and measures.
- An extraordinary situation, the need to defeat the emergency regime of Indira Gandhi, brought them together. With the return of the Congress party under Indira Gandhi's leadership with a secure majority, the movements for state autonomy slowly receded in the background.
- At the present moment, there is no movement for state autonomy like earlier, even though the struggle to get more financial resources for the state continues.
- In 1990 a visible change came in the correlation of forces active in Indian politics.

Major Recommendations of Sarkaria Commission

The Sarkaria Commission finally submitted its report in the year 1988. The Sarkaria Commission's charter was to examine the relationship and balance of power between state and central governments in the country and suggest changes within the framework of the Constitution of India. Despite the large size of its reports – the Commission recommended, by and large, status quo in the Centre-State relations, especially in the areas, relating to legislative matters, the role of Governors, and the use of Article 356.

Role of Governor

Issue of Appointment of Governor	Issue of Removal of Governor
<ul style="list-style-type: none"> On the issue of appointment of the Governors, it made some important recommendations, as given in the following: 	<ul style="list-style-type: none"> As far as possible, the governor should enjoy the term of five years.
<ul style="list-style-type: none"> The Governor should be eminent in some walk of life and from outside the state. He should be a detached figure without intense political links, or should not have taken part in politics in the recent past. Besides, he should not be a member of the ruling party. 	<ul style="list-style-type: none"> He should be removed before his tenure only on the grounds as mentioned in the constitution or if aspersions are cast on his morality, dignity, constitutional propriety, etc.
<ul style="list-style-type: none"> He should be appointed after effective consultations with the state Chief Minister and Vice President and Speaker of the Lok Sabha should be consulted by the PM before his selection. 	<ul style="list-style-type: none"> In the process of removal, the state government may be informed and consulted.

Regarding the use of Article 356: The Sarkaria Commission made the following recommendations:

- This article should be used very sparingly and as a matter of last resort. It can be invoked only in the event of political crisis, internal subversion, physical breakdown, and non-compliance with the constitutional directives of the centre.
- Before that, a warning should be issued to the errant state in specific terms and an alternate course of action must be explored before invoking it.
- The material fact and grounds on the basis of which this article is invoked should be made an integral part of the Proclamation; it will ensure effective Parliamentary control over the invocation of President Rule.
- The Governor's report must be a 'speaking document' and it should be given wide publicity.
- So the Sarkaria Commission was an important attempt to streamline the centre-state relations.
- It has become a reference point for any discussion on centre-state relations, and it has been frequently referred to even by the judiciary.
- On its recommendation, the Inter-State council was established in 1990, and it has considered its recommendations.
- However, many of its important recommendations have not been implemented and tensions in federal relations are a recurrent feature.

Read about [important articles of the Indian Constitution](#) in the linked article.

Relating to Legislative Matters

While it made the general observation that the Constitution is basically sound and there is no need for drastic changes in the basic character of the Constitution, nevertheless it gave the following recommendations:

1. Ordinarily, the Union should occupy only that much field of a concurrent subject on which uniformity of Policy and Action is required in the larger interest of the Nation, leaving the rest of the details for State action, within the broad framework of the Policy laid down in the Union Law.
2. Whenever, the Union proposes to undertake Legislation on a subject belonging to the Concurrent List, the States' views must be ascertained through inter-Governmental Councils.
3. Parliamentary law passed under clauses (1) of Article 252, on request of two or more States, should not be perpetual but should be for a specific period not exceeding three years.
4. On receipt of a resolution from a State recommending creation or abolition of a Legislative Council, the same will be presented before the Parliament within a reasonable time.

THE ADMINISTRATIVE REFORMS COMMISSION (1969) The Administrative Reforms Commission (1969) made 22 recommendations to improve Centre-State relations. It ruled out any constitutional amendment and considered the existing provisions as sufficient to regulate federal tensions. The important recommendations are given out of 22 recommendations in the following:

- Establishment of an Inter-state Council under Article 263 of the constitution
- Delegation of powers to the maximum extent to the states
- Augmenting financial resources of the states through fiscal transfers from the centre
- Appointment of non-partisan persons having long experience in public life and administration as Governor of a state

Read about [ARC Reports](#) in the linked article.

Other Recommendations

- It made the strong suggestion that [Article 370](#) was not a transitory provision. This appears to have been made specifically in response to “one all-India political party” that demanded the deletion of Article 370 “in the interests of national integration.
- It recommended that the residuary powers of legislation in regard to taxation matters should remain exclusively in the competence of Parliament, while the residuary field other than that of taxation should be placed on the concurrent list.
- That the enforcement of Union laws, particularly those relating to the concurrent sphere, is secured through the machinery of the states.
- To ensure uniformity on the basic issues of national policy, with respect to the subject of proposed legislation, consultations may be carried out with the state governments individually and collectively at the forum of the proposed Inter-Governmental Council. It was not recommended that the consultation be a constitutional obligation.
- Ordinarily, the Union should occupy only that much field of a concurrent subject on which uniformity of policy and action is essential in the larger interest of the nation, leaving the rest and details for state action.

- On administrative relations, Sarkaria made some observations: “Federalism is more a functional arrangement for cooperative action than a static institutional concept.
- Article 258 (power of the Union to confer powers etc on states in certain cases) provides a tool by the liberal use of which cooperative federalism can be substantially realized in the working of the system.
- More generous use of this tool should be made than has hitherto been done, for progressive decentralization of powers to the governments of the states.
- The Commission strongly recommended the establishment of a permanent Inter-State Council.
- Also, it desired that both the Centre and the States should have a concern for the development of backward territory or areas.
- If the economic development of these backward regions is undertaken in a planned manner, the separatist tendencies will be automatically controlled.
- Differences between the Union and the States should be resolved by mutual consultation.
- It has taken a favourable view on the demand of the States to provide more financial resources at their disposal.
- In order to improve Centre-State relations in the country, it has suggested economic liberalization and suitable amendments to the Constitution.

Also read: [List of Committees and their Purposes](#)

Rajmanner Commission, 1969

In 1969, the Tamil Nadu government appointed Rajmanner Commission to look into this aspect and it submitted its report in 1971. It demanded readjustment of the VII schedule and residuary power to the states. Its other important recommendations are given in the following:

- The setting of an Inter-State council immediately
- [Finance commission](#) to be made a permanent body
- Deletion of Articles 356, 357, and 365 which dealt with the President's rule
- Abolition of All-India Services (IAS, IPS, and IFS)
- Planning Commission to be replaced by a statutory body
- The Central government completely ignored its recommendations.

Anandpur Sahib Resolution, 1973

Background

- In 1978, the Akali Dal came out with a controversial resolution called the Anandpur Sahib Resolution.
- It demanded greater autonomy for the States seeking Centre's authority to be confined to only Defence, Foreign relation, Communications, Railways, and Currency.

- It also demanded residuary powers for the State.
- In the decade 1980, as the regional parties became very assertive, they put forth the demand for State autonomy in an organized manner.
- Their 'conclaves' were held at Vijaywada, Delhi, and Srinagar which raised the demand for redefining the Centre-States relations. Here also, the Central government did not accept these recommendations.
- In 1973, the Akali Dal adopted the Anandpur Sahib Resolution which demanded the restriction of the centre's jurisdiction to only defence, foreign affairs, communications, and currency and vesting of residuary powers in the states.
- It also called for equal authority and representation of the states at the Centre.

Recommendations

In December 1977, the Communist government in West Bengal published a memorandum called the West Bengal memorandum, which made the following recommendations:

- The word 'union' in the constitution should be replaced by the word 'federal'
- The centre's jurisdiction to be restricted to only defence, foreign affairs, communications, and economic coordination
- Deletion of articles 356, 357 and 360
- Rajya Sabha to have equal powers with that of the Lok Sabha
- Abolition of All-India services
- 75 percent of the revenue raised by the centre should be allocated to the states

NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION (NCRWC)

The National Commission to Review the Working of the Constitution (NCRWC) put forth its suggestions, many of which were a reiteration of Sarkaria Commission recommendations. Some of the novel recommendations are enumerated in the following:

- A statutory body called Inter-State Trade and Commerce Commission should be established as given under Article 307.
- The Governor should be appointed by a committee comprising the Prime Minister, Home Minister, Speaker of Lok Sabha, and the Chief Minister of the state concerned.
- Management of disasters and emergencies should be included in the Concurrent List of the Seventh Schedule.
- In case of a political breakdown in a state, before invoking Article 356, as far as practicable, the state should be given an opportunity to explain its position and redress the situation.
- The Inter-State Council order of 1990 should clearly specify the matters that should form part of the consultations.

Punchhi Commission, 2007

Background

The Central Government constituted the Punchhi Commission in 2007 to examine centre-state relations, along with the possibility of giving sweeping powers to the centre for suo moto deployment of Central forces in states and investigation of crimes affecting national security. It was chaired by the former Chief Justice of India, M.M. Punchhi. It submitted its recommendation in 2009.

Recommendations of Punchhi Commission

Some of its important recommendations are given in the following:

- It called for giving a fixed term of five years to the governors and their removal by the process of impeachment (similar to that of the President) by the State Legislature.
- The governor should have the right to sanction the prosecution of a minister against the advice of the council of ministers.
- It called for an amendment of Articles 355 and 356 to enable the centre to bring specific trouble-torn areas under its rule for a limited period. Hence, it proposed 'localizing emergency provisions' under which either a district or parts of a district can be brought under the central rule instead of the whole state. Such an emergency should not be for more than 3 months.
- It proposed that the Centre should have the power to deploy its forces in case of communal conflagration without the state's consent for a short period of a week.

To know about the details of the [Punchhi Commission](#) and its report, check the linked article.

Thus, we see that the issue of state autonomy has been a major issue in the dynamics of Indian federalism.