

**1. Under what circumstances can the central government impose President rule in a State? Are the provisions related to President rule opposed to the democratic spirit of federal polity? Critically comment.**

**Introduction:**

The imposition of Article 356 of the Constitution of India on a State following the failure of constitutional machinery is called President's Rule in India.

Once the President's rule has been imposed in a State, the elected state government will be temporarily dissolved and the Governor, who is appointed by the government at the Centre will replace the Chief Minister as the chief executive of that State.

**Body:**

**Circumstances under which central government can impose President rule in a State:**

- The state legislature is unable to elect a leader as Chief Minister.
- The collapse of a coalition government due to disagreements, parting ways within the members.
- Serious breakdown of law and order.
- Elections postponed due to unavoidable reasons.
- Loss of majority in the state assembly.
- Shoot up of insurgency or rebellion.

When the state government is not being carried on according to constitution i.e. break down of constitution.

**President rule opposes the democratic spirit of a federal polity:**

- Though the purpose of this article is to give more powers to the central government to preserve the unity and integrity of the nation, it has often been misused by the ruling parties at the center, who used it as a pretext to dissolve state governments ruled by political opponents. Thus, it is seen by many as a threat to the federal system.
- Article 356 gives wide powers to the central government to assert its authority over a state if civil unrest occurs and if the state government does not have the means to end it.
- Since the adoption of the Indian constitution in 1950, the central government has used this article 115 times to dissolve the elected state governments by imposing president's rule.
- For example, few first instances where president rule was imposed were in Punjab in 1951, in Kerala in 1959 to dismiss the democratically elected Communist state government, in Uttarakhand in March 2016, etc.
- In the 1970s and 1980s, it was common for the central government to dismiss state governments led by opposition parties. The Indira

Gandhi regime and post-emergency Janata Party were noted for this practice. President's rule was imposed 49 times between 1970 and 1980, where article 356 was used as a political tool during those times.

However, President rule does not always oppose the federal structure and is used for preserving the unity and integrity of the nation. For ex: Prime Minister P.V. Narasimha Rao's government dismissed four state governments lead by the BJP in the wake of the destruction of the Babri Masjid. In 1994, this dismissal was challenged by S.R. Bommai versus Union of India case, in which the Supreme Court upheld the dismissal of the BJP governments of all four states to protect secularism, which is part of the Constitution's basic structure.

Another instance where president rule is necessary is when no party can form a government and a political crisis arises. For ex: In Uttar Pradesh 2002 election no party had a sufficient majority and President's rule was imposed. Similarly, in Bihar 2005 election was fought by three formations but no single formation cobbled sufficient seats to take oath as government. In such a situation, the Governor recommended President's rule to the central government.

Presently the state of Jammu and Kashmir is under president rule ( after 6 months of Governor's rule) because BJP withdrew its support from Mehbooba Mufti led-coalition government, reducing it to a minority government in the state.

### **Conclusion:**

Article 356 has always been the focal point of a wider debate of the federal structure of government in Indian polity. The Sarkaria commission report on Centre-State Relations (1983) had recommended that Article 356 must be used very sparingly in extreme cases as a measure of last resort when all the other alternatives fail to prevent or rectify a breakdown of constitutional machinery in the state.

## **2. Inter-state river water disputes have remained a contentious issue post independence. Can you suggest few measures to address those?**

### **Introduction**

India has about twenty major river basins running through the nation and many of these traverse more than one state. This leads to conflicts regarding the use and distribution of water posing a serious threat to India's federal polity such as Cauvery Water dispute, Mahanadi Water dispute etc.

### **Body**

Reasons for inter-state river water disputes becoming a contentious issue post-independence:

- Limited water supply- With most of the rainfall concentrated in few months, India experience a drought like situation in pre-monsoon season giving rise to river disputes.
- Inefficient water usage- Growing water intensive crops in dry areas, reduced use of traditional water harvesting mechanisms, free power and enhanced impetus on flood irrigation have created deficiency of water in most areas.
- Overlapping of subjects- Under Schedule VII, states have power with respect to use of water, however, in case of inter-state rivers, power lies with the Centre which seldom uses it, giving space for conflicts between states.
- Political opportunism- These disputes are a perfect rallying point for political parties to secure votes and giving fuel to regionalism as in case of Cauvery dispute.
- Lack of concrete dispute resolution- Under Article 262, Courts have been denied the jurisdiction over river waters, and the tribunals constituted for it have proved inefficient.
- The Union Government as per article 262, has enacted two laws i.e. River Boards Act (1956) and the Inter-State Water Disputes Act (1956) for adjudication of such disputes.

**Measures to address:**

- Inter-State River Water Disputes (Amendment) Bill, 2017 which has provision of Single Tribunal, timely resolution, data collection and maintenance of a data bank needs to be implemented to overcome lacunas of Inter State River Water Dispute Act, 1956.
- Bringing water into concurrent list as recommended by Mihir shah report where central water authority can be constituted to manage rivers.
- Demand management- There is a need for the basin states to reduce the demand for water by adopting cropping patterns which require less water and drip irrigation and other water-saving techniques.
- Supply augmentation- Make rainwater harvesting mandatory, use of check dams to increase ground water, creation of additional reservoir to store overflows from a healthy monsoon year to drought year.
- Urban Planning- Since urbanization has altered both quantity and quality of our water resources, it is important that proper urban and water planning are taken into consideration.
- The parliament needs to exercise its powers under Entry 56 of Union List effectively. According to National Water Policy, this can be done by setting up of river boards.
- It is not necessary to exclude Inter-State Water Disputes from the original jurisdiction of the Supreme Court under article 131 of the Constitution and that such disputes should also be made to fall within the exclusive jurisdiction of the Supreme Court, especially in the light of the Supreme Court's decision to adjudicate on award given by Cauvery Tribunal.
- Water disputes need to be depoliticized and not be made into emotional issues linked with regional pride.

- Inter-State Council (ISC), GST council etc. can play a useful role in facilitating dialogue and discussion towards resolving conflicts.
- One model to follow is France’s system of “water parliaments,” which are responsible for managing the country’s rivers, and which reserve a number of seats for non-governmental and environmental organizations.

### Conclusion

With increasing population and growing stress on limited water resources, needs a multi-pronged approach, involving all stakeholders and resolving both demand and supply side issues to solve its inter-state river water disputes.

### 3. Should Delhi be granted full statehood? Share your views.

#### Introduction:

Article 239AA and article 239AB provided special status to the National Capital Territory(NCT) with a legislative assembly and its own democratically elected government via the 69th Amendment Act of the constitution. In the recent years there have been considerations raised politically over Delhi’s statehood.

Current status of Delhi: According to the act, Delhi can make laws on all matters of state and concurrent subjects except public order, police and land.

#### Body:

##### Benefits of according statehood:

- Smooth functioning: Better coordination and quicker decision making and interconnectedness on the political and bureaucratic fronts.
- Better administration of increasing population of Delhi.
- Accountability: Promote good governance and reduce shortcomings on delivery of services by government.
- Strengthens the democracy and prevents confusion and multiplicity of authorities on specific domains and prevents repetitive decision making.
- Important domains like law and order, police, etc. are outside the purview of state government making it difficult to deal with matters like riots, etc.
- Arguments against statehood:
  - Capital of a country: Renders it as a capital for everyone and not as a territory as a single state.
  - Genuineness of demand: Seems more like a political interest than an administrative concern.
  - Security Issues: As it’s an important centre hosting the Parliament, various central agencies, Supreme Court, Diplomatic enclave, etc. the risk of security breach is high when not under the responsibility of the Centre.

- Financial and administrative viability: Coordination between policies and implementation will be disrupted.

**Conclusion:**

Partial Statehood by the 69<sup>th</sup> Amendment Act hasn't totally failed in respect of governance and welfare of Delhi and its citizens. However, there can be well defined division of powers between Centre and the Delhi government and an effective participation of local government as well in the administration, keeping in mind the strategic and national importance of India.

**4. Many important reforms have been stalled due to the compulsions imposed by India's federal polity. Do you agree? Substantiate your views with the help of suitable examples.**

**Introduction:**

A federal government is one in which powers are divided between the national government and the regional governments by the Constitution and both operate in their respective jurisdictions independently. The Indian model of federalism is called quasi-federal system as it contains major features of both a federation and union.

**Body:**

Despite having federal polity and clear demarcation of the subject there arises conflict in much legislation for reforms initiated in centre or state.

**Legislation initiated in the centre:**

There are three areas which cause hindrance in the legislative process due to the federal structure.

1. Regional parties pressurizing centre government in Lok Sabha due to answerability in their respective regions.
2. Constitutional amendment Bills passed by Lok Sabha are opposed and rejected in RS which is representative of states.
3. Some Constitutional amendment bills need ratification of half of the states.

Reforms include political, social, financial and administrative reforms. Some of the examples of reforms which are pending or being stalled due to federal polity:

1. Labour law reform.
2. Land acquisition (amendment) bills.
3. All India Judicial service.
4. Electoral reform ex. Simultaneous elections.
5. Interstate water dispute redressal which advocates for Permanent tribunal.
6. Triple talaq bills.



7. National education policy is pending because it is in concurrent list and States have their own systems.
8. Agriculture market lack uniformity. Very few states implement NAM Act as agriculture is in the state list.

#### **Legislation initiated in State:**

Reforms initiated in states can be stalled by centre using executive machinery as many bills are reserved by centre nominated governor for the consideration by the president.

Ex. President withheld his assent to three anti-migrant bills passed by the Manipur Assembly which are aimed at regulating the entry and stay of migrants in the state. Moreover, due to financial distribution and tax sharing mechanism, states lack financial autonomy.

#### **Another side of the coin:**

This hindrance is least or absent when single party majority is there in parliament and moreover most of the states having a government of party in the centre.

Secondly, a consonance can be developed between the centre and states for the larger good and national interest. Ex: GST in the field of taxation reforms. In the same manner, national bodies are formed with representation from states and local level. Ex. NMCG for Ganga cleaning.

Along with these, other features of India's federal polity such as Written Constitution, Supremacy of the Constitution and independent Judiciary also function as check and balance for any arbitrary action of centre and state and also avoid the misunderstandings and disagreements between the two.

#### **Conclusion:**

Niti Ayog is providing new platforms for cooperative federalism for better administration and maximum governance. Both the union and states must follow principles of co-operative federalism and inculcate a spirit of mutual accommodation on matters of national and regional importance for stability and growth and development of country as a whole.

#### **5. Examine the challenges of local self governance in India. What role can financial devolution play in strengthening institutions of local self governance? Analyse.**

##### **Introduction**

Local self-government refers to governmental jurisdictions below level of state. The 73rd and 74th constitutional amendments give recognition and protection to local

self-government. The main is to achieve the Gandhian philosophy of self-sustaining organizations at grass root levels.

### Body

Challenges of local self-governance in India:

- Administrative problems: lack of coordination between bureaucrats and subordinates.
- Unscientific distribution of money and functions: this is due to lack of knowledge of grass root problems and their importance.
- Regionalism: absence of coordination among the locals in the name of region, religion and caste.
- Financial scarcity: Due to lack of finance and funds, the development work is affected
- Excessive state control: this leads to corruption and favouritism.
- Substandard personnel: lax attitude towards the governance.

### Role of financial devolution in strengthening institutions:

- Reach the last level of beneficiaries: Due to more funds, probability of reaching the beneficiaries is more and on time.
- Formalization at grass root level: Improvement towards designing political process which implies decision making authority at lowest level of organization.
- Regional specific growth: More the decentralization, more specific growth is ensured.
- Growth and planning: To do spatial planning keeping development as goal, institutions can manage and conserve the resources according to the funds received.
- More accountability: Social audit increases transparency and accountability. This strengthens democracy.
- Specific targets: Can mobilize local support and public cooperation for the implementation of programs for sustaining and long term benefits.

### Solutions for funds:

- Strengthening state finance commission, tax base and granting more powers to local bodies.
- States need to strengthen revenue of the panchayat based on state finance commission.

### Conclusion

The process of tax decentralization and principle of sharing the taxes is of paramount importance for the inclusive society. State finance commission hold the major concern in funding the local self-government.

