
INDIAN FEDERALISM AT WORK: CENTRE-STATE RELATIONS

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ABSTRACT

The provisions of Constitution relating to Centre State relationship focus on resolving the Centre-State conflicts and promote cooperation consistent with the national integration. Extra constitutional agencies exist to help promote federal co-operation in India with the national integration, the Indian Constitution. It envisages cooperation between union, states and local governments in framing policies and implementing them without any differences between them. There has been a practical and ideological shift from 'competitive federalism' to 'co-operative federalism'. This shift has been primarily caused by the recognition of the Centre's and states' mutual dependence. In situations such as external aggression or war, where concerns of national security take precedence, it is felt that co-operation between Union and state governments is the only way to tackle the problem expeditiously and efficiently. Also, the emergence of the concept of a social welfare state in response to public demand for various social services, involving huge outlays which could not be met by the states by their own resources, created the need for centre state relationship for maximum mutual benefit. The concept of 'centre-state relationship' helps the federal system, with its divided jurisdiction, to act in unison. It minimises friction and promotes co-operation among various constituent governments of the federal union so that they can pool their resources to achieve certain desired national goals.

Indian federal structure is not based on rigid division of powers but also internalises a need for co-operation between the various units of governance. However in many cases there has been obstacle in the part of centre-state relationship in India and criticism arises over the period of time. Such as there has been Union dominance to legislate over concurrent list and its interference in state list also in special cases like while ratifying international agreement.

By establishing a clear understanding of the concept of centre-state relationship under the Indian constitution, the researcher aims to find out and establish with

reasoned conclusion the impediments which hinders in the successful and effective implementation and maintenance of centre-state relationship concept and ultimately the researcher intends to provide reasonable solutions to remove or to harmonise the conflict or at least reduce these impediments by enhancing the competence of states and their greater involvement in cooperative federalism.

Keywords: Constitution, Union, State, Co-operation, Dominance, Conflict.

INTRODUCTION

“I feel more and more that we must function more from below than from the top... too much of centralization means decay at the roots and ultimately a withering of branches, leaves and flowers.”

- Pundit Jawaharlal Nehru

A written constitution is essentially a basic expression of the ideas and organization of a government that is formally presented in one document. It is a legal document having a special legal sanctity, which sets out the framework and the principal functions of the organs of the government of a state, and declares the principles governing the operation of those organs.¹ Like every other Constitution, the Indian Constitution also seeks to establish the fundamental organs of government and administration, lays down their structure, composition, powers and principal functions, defines the inter-relationship of one organ with another, and regulates the relationship between the citizen and the state, more particularly the political relationship. The states have reasserted certain principles of law through written Constitutions.²

The Constitution of India is not an end but a means to an end, not mere democracy as a political venture but rather a socio-juridical procedure which opens up through a humanist, radical social request, and an opportunity to loosen the full personhood of each resident. The Indian Federalism is unique in nature and is custom-made by particular needs of the nation. Federalism is an essential component of the Constitution of India in which the Union of India is permanent and indestructible. Both the Centre and the States are co-operating and coordinate foundations having autonomy and should exercise their respective powers with adjustment, respect, understanding and

¹Wade and Phillips, Constitutional Law 14th Ed. P.1

²Madabhushi Sridhar, *Evolution and Philosophy behind the Indian Constitution* (2015)

accommodation. Tension and conflict of interests of the Centre and the respective units is an integral part of the federalism. Prevention as well as amelioration of conflicts is necessary. Thus, the Indian federalism was devised with strong Centre. Federalism with strong Centre was unavoidable as the framers of the Indian Constitution were mindful that there were economic inconsistencies as a several areas of India were economically as well as industrially a long ways behind in comparison to others. The country was focused on a socio-economic revolution not just to secure the essential needs of the basic man and economic solidarity of the nation additionally to achieve a crucial change in the structure of Indian society in accordance with the egalitarian principles. On account of these contemplations the Constitution creators devised the Indian federation with as strong Union.³

UNDERSTANDING OF FEDERALISM

Federalism is significant at the beginning of a central government as a way to bring in regional governments with the promise of autonomy. Once the central government is actually in operation, however what maintains or destroys local autonomy are not the more or less superficial features of federalism but the more profound characteristics of the political culture.

(Riker 1969, 142)

The political structure of the Indian Constitution is so unusual that it is impossible to describe it briefly. Therefore members of the Assembly themselves refused to adhere to any theory or doctrine about federalism. The Assembly, in fact, produced a new kind of federalism to meet India's peculiar needs.⁴ The most particular aspect of the drafting of the federal provisions was the virtual absence of conflict between the 'centralizer' and the 'provincialists'. They also perhaps first constituent body to embrace from the start what A. H. Birch and the others have called 'cooperative federalism.'⁵ This new phase that has emerged largely since World War II, although its root extend back to the thirties and the early forties, has been characterized by the increasing interdependence

³Shubhangi Pathak , *Nature of the Indian Constitution: Judicial Exposition*, 2015

⁴ Granville Austin , *The Indian constitution Cornerstone of a nation*, Chapter- 8, *Federalism-I, The amicable union* ,Oxford University Press, 2012, , pg-231

⁵A. H. Birch, *Federalism , Finance and Social Legislation in Canada, Australia and The United States*, p. 305

of federal and regional governments- a development, it is usually argued, that has not destroy the federal principle.

Dr. Where's definition of Federalism-

The general and regional governments of a country shall be interdependent each of the other within its sphere.⁶ Cooperative federalism produces a strong central, or general, government, yet it does not necessarily result in weak provincial governments that are largely administrative agencies for central policies. Indian federalism has demonstrated this.

Cooperative Federalism, according to Birch, is distinguishing by.....

The practice of administrative cooperation between general and regional governments, the partial dependence of the regional governments upon payments from the general governments, and the fact that the general governments, by the use of conditional grants, frequently promote developments in matters which are constitutionally assigned to the regions.⁷

This definition applies to India with the exception of conditional grants, a device rarely used under the constitution.⁸

That a country like India so vast in size and diverse in population was predetermined to have a governmental system in which local initiative and strong control were blended. India's size and diversity equally prevented the efficient working of a too unified administration and demanded a central authority powerful enough to prevent its regulatory structure from deteriorating.⁹

“Federalism has been part of the public discourse in India for many decades, before and after independence in 1947, but it has gained greater importance since the 1990s when the country's

⁶K. C. Where, *Federal Government*, p.97

⁷A. H. Birch, *Federalism , Finance and Social Legislation in Canada, Australia and The United States*, p. 306

⁸Granville Austin, *The Indian constitution Cornerstone of a nation*, Chapter- 8, Federalism-I, The amicable union, pg- 232-233, Oxford University Press (2012)

⁹*Ibid.* pg. - 234.

national polity saw the advent of the coalition era.”^{10 11}

Federalism is a method of dividing power between general and regional governments in such a way that the two parts of the system are co-ordinate and autonomous.¹² This is the substance of federalism, though it is necessary to bear in mind that the degree of independence enjoyed by the States has no effect to the federal principle. In India, the Union and the States certainly have their own exclusive spheres of legislative competence. But many observers on the Constitution feel that it provides for a degree of central accentuation which destroys the significance of State self-governance.¹³

Though our Constitution was based on the principle of separation of powers, it was recognised by the framers of the Constitution that there was no rigid separation of powers and also that there exists a need for co-ordination between the units of governance for ideal development and welfare. This being the hypothetical premise and method of reasoning, the framers of the Constitution provided several provisions wherein there is delegation and coordination of powers between the centre and the state.¹⁴

India has developed a numeral of instrumentalities and technique for promoting inter-governmental co-operation. Under the constitutional provision pertaining to interstate council, two advisory bodies have been established –

(1) The Central Council of Health. consisting of Union and State Health Ministers

And

(2) the Central Council of Local, Self-Government consisting of the Central Minister of Health and the State Ministers for Local Self-Government and Village Panchayats. Under an Act

¹⁰Sahil Arora, *Federalism – The Indian Constitutional Context* (2015) **JGLS**

¹¹Surendra Singh and Satish Misra “*Federalism in India: Time for a Relook?*”

¹²K C Where *federal government* p.11

¹³ S. P. Aiyer , *India's Emerging Co-Operative Federalism* , The Indian Journal of Political Science, Vol. 21, No. 4 (1960), pp. 307-314, Published by: Indian Political Science Association Stable, available at <http://www.jstor.org/stable/41853856>

¹⁴ Available at <http://www.lawteacher.net/free-law-essays/constitutional-law/co-operative-federalism-and-mutual-delegation-constitutional-law-essay.php#ixzz3nRqkcrZH>

of Parliament,

And five zonal councils were established in 1956 to counter the apprehended lack, of cooperation and communication amongst the-linguistic States.¹⁵

In a federation, it is not unusual to have several political parties controlling different governments. To some degree, federalism may be likened to the fundamental rights. Just as the fundamental rights uphold individual freedom against encroachment by the government, so also federalism seeks to maintain local identity against national policies. Be that as it may at that point a parity must be drawn between the two; regionalism cannot be pressed beyond the point when it becomes a threat to national integrity. This vital point has to be kept in view by the State Governments in shaping and forming their relationship with the Centre. For years to come, the Centre has to play a dynamic part of leadership if the country is to make rapid steps. Though the Constitution provides sufficient powers to the Centre to fulfil its role, yet, in actual practice, the Centre can maintain its dynamism and initiative not through a show of its powers – which should be exercised only as a last resort in a demonstrable necessity - but on the co-operation of the States secured through the process of discussion, persuasion and compromise. All governments have to appreciate the essential point that they are not independent but interdependent, that they should act not at cross-purposes but in union for the maximisation of the common good.¹⁶

Federalism is not static but a dynamic concept. It is always in the process of evolution,¹⁷ and has always remained a 'work-in progress' or as Iqbal Narain puts it 'constantly in the making' (Copland and Rickard, 1999). The federal structure needs to be altered and mended perpetually to cope up with the changing environment and emerging challenges¹⁸

CENTRE- STATE RELATIONSHIP

'Cooperation' etymologically means working together. It is a joint or collaborative behaviour that

¹⁵M. P. Jain, *Some Aspects of Indian Federalism* pg-301-364, also available at <http://www.zaoerv.de> © 1968, Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht.

¹⁶*Ibid.*

¹⁷*Ibid.*

¹⁸Sahil Arora, *Federalism – The Indian Constitutional Context* (2015) *JGLS*

is directed toward some goal in which there is common interest or hope of reward.¹⁹ *Granville Austin* called the Indian Federalism as a “cooperative federalism”. He said though the Constitution of India has created a strong central government, it has not made the state government frail and has not reduced them to the level of administrative agencies for the execution of policies of the central government. He describes the Indian federalism as a ‘new kind of the federalism to meet the India’s peculiar needs.’²⁰ Following *A. H. Birch* study *Federalism Finance and Social Legislation in Canada, Australian and United States*²¹...Austin says that the (constituent) Assembly was perhaps the first constituent body to embrace from the start...Cooperative Federalism.²² The idea of centre-state relationship is applied to our Union in that it produces a strong central government. However this has not resulted in weak state governments. The state works as administrative agencies for the implementation of the central policies. Broadly the disbursements from the union to the states can be of three types. *First*, it includes mandated tax devolution in terms of shares of the states in the ‘net proceeds’ of the taxes imposed collected and redistributed by the union as per the recommendation of the Finance Commission under Article 280. *Second*, there are devolution under Article 275 in the nature of grants-in-aid revenue of the states in the need of assistance. *Third*, Union Government transfer to the state under Article 282. The devolution relate to the tax shares of the state and Central assistance for implementation of centrally sponsored schemes undertaken by the state and State plan Schemes. The operation of such federal financial arrangements, instead of distorting the federal relationship, has led to increasing interdependence of the union and the states. No central and nationally planned schemes can be actualised if the State does not collaborate. This administrative and fiscal cooperation between the union and the states , though highlighting partial dependence of the latter on the former promotes development activities on many subjects that are in the state list such an arrangements qualifies for ‘cooperative Federalism’ as Austin rightly identifies in the Indian Constitution. The constitution under Article 263 provides for the establishments of the inter-state council by the president to deal with the disputes between the states or states or the Union or on the subjects of the common interest For example- Kaveri water dispute between Tamil Nadu and Karnataka was

¹⁹ P. Ishwara Bhat, *Revitalizing The Co-Operative Societies Through Constitutional Means* 8 Int'l J. Civ. Soc'y L. 8 (2010)

²⁰Granville Austin, *The Indian Constitution- Corner stone of Nation*, Oxford, 1966. Pp-186-88

²¹ A. H. Birch, *Federalism Finance and Social Legislation in Canada, Australian and United States* (London Oxford University Press,1955), p.305

²²Austin, *The Indian Constitution*, p. 107

deliberated through an inter-state council. The mechanism of inter-state council is an element of centre-state relationship. The National Development Council (NDC) in which all the states are represented, is the Union-level Council that is responsible for finalizing plan schemes. This is also an example of centre-state relation.²³

The Central Government should also desist from undue obstruction with the State Governments and should indeed respect the powers of the States. The State's powers, few they are, should not be whittled down further. Despite what might be, the effort should be to preserve the federal nature of our Constitution. The interest of our nation is in "cooperative centre state relationship" and not in confrontational politics or politics of domination.²⁴

Centre-state relationship can succeed only if a reasonable equalization is maintained between the claims of diversity and the requirements of the unity. If those are absent, whatever mechanism of inter-governmental relations is contrived remain non-utilitarian and incapable. The actual working of the centre-state relationship in India has entailed the Union's exercising its influence rather than its constitutional authority. Exigencies of coalition of politics have forced the Union and the State governments to share power the union has more often played the role of facilitator in the inter-state dispute than that of an arbitrator.²⁵

Centre-State Relationship requires greater competence by states

The autonomy to states will improve the overall functioning of Indian polity by reinforcing the spirit of Cooperative-Federalism. However, as Sarkaria Commission has pointed out that there are still Separatist Tendencies. This may harm the integrity of India. Further, there should be greater involvement of the states in the planning process and greater coordination in raising the funds for meeting the demands of the developing economy.

The process of progressing towards cooperation between centre and states envisaged by Prime Minister is gathering pace due to several recent commendable policy initiatives. To realize the full

²³ Abbas Hoveyda, *Indian Government and the Politics*, Pearson Education India , p. 352, (2010)

²⁴ Co-operative Federalism under Indian Constitution: .National Commission To Review The Working Of The Constitution, A Consultation Paper On *The Institution Of Governor under The Constitution (2001)*

²⁵ Akhtar Majeed, *India a model of Cooperative Federalist*, The Ashgate Research Companion to Federalism, Dr Lee Ward, Dr Ann Ward, Ashgate Publishing, Ltd. p. 604 (2013)

potential of this process requires much greater competence and professionalism in Public Financial Management (PFM) by the individual states and by the Urban and Local Bodies (ULBs).

The policy initiative is the establishment of the National Institution for Transforming India (NITI) Aayog on January 1, 2015 as a replacement for unlamented former Planning Commission. It has the potential to better facilitate Union-State Policy coordination and coherence. It also engaged in strengthening centre-state relationship so that the Centre and States can work as a team towards rapid economic transformation of India.²⁶

The case for urgently initiating the process of enhancing competency in PFM at all levels of government is compelling, and therefore those putting impediments to this process would be conspiring against the public interest.²⁷

The NITI Aayog will also seek to put an end to slow and tardy implementation of policy, by fostering better Inter-Ministry coordination and better Centre-State coordination. It is expected to help evolve a shared vision of national development priorities, and foster centre-state relationship, recognizing that strong states make a strong nation.²⁸

WORKING OF THE FEDERALISM: JUDICIARY AARACH AND GOVERNMENT APPROACH

The role of federal judiciary and in particular the Indian Supreme Court in balancing federal (union) state relations:

In general Indian has evolved in a zigzag directions (i.e. first centralising then decentralising). By the 1970s Indian government was often characterised as highly union- centred (i.e. centralised) and executing driven. The federal judiciary was initially accommodative of the views and policies of the union executive in the first two decades following Indian independence. However the

²⁶ Information Bureau, Government of India, Ministry of Planning, NITI Aayog to strengthen cooperative federalism (2015)

²⁷ **Mukul Asher**, *Co-operative federalism requires greater competence by states*, also available at <http://timesofindia.indiatimes.com/business/india-business/Co-operative-federalism-requires-greater-competence-by-states/articleshow/46844846.cms>)

²⁸ Dr. H.R.Keshavamurthy, *Transforming India's Development By Way Of Structured Change through Cooperative, Competitive Federalism* (2015)

judiciary has repeatedly sought to curb the power of the executive and parliament in order to safeguard powers of the union and the states.

Multiplicity of power devices in federalism produces potentialities of differentiations and disparities. But federalism's commitment to justice and democracy imposes obligation upon power holders to act with a sense of responsibility to avoid disparities in access to positive rites and welfare.²⁹

By virtue of the fact that in federal systems the power divided is power controlled, there is inherent inclination to regulate the abuse of power and protect liberty.³⁰ But alone its power, responsibility, especially towards people's welfare, is also divided.

I - Elimination of Disparities as the Key Principle and Policy: Federalism's Goal

Choice of equality and social justice as the significant theme of the constitution has a set an obligation on federalism to work for its success. Restraint to discrimination and improvement of the left behind are the two noteworthy commitment spilling out of the subject. Part III and IV contemplate both of these tasks.

A very high degree of collaborative approach of federalism can be noticed in the context of right to education in recent times. With the transfer of legislative subject on education into concurrent list by 42nd constitutional amendments, doors were opened for Centre- state cooperation.³¹ An effort to universalize decentralized primary education was initiated by launching a centrally sponsored scheme Sarve Siskhan Abhiyan.

The central government may issue to the appropriate government such guidelines for the implementation of the provision of the act as it deems fit. From the perspective of federalism, the shared financial responsibility, decentralization of the policy and programmers and implementation of the act require proper coordination. The Punchchi commission expressed fear

²⁹ Professor Ishwara Bhat, *Why and how federalism matters in elimination of disparities and promotion of equal opportunities for positive rights, liberties and welfare?* (2012),

³⁰James Bryce , I the American commonwealth 350-53 ,London : Macmillan & co.(1919)

³¹ Entry 25 list III

about imbalance of the power created among three tiers of government and resulting accountability to the child.³²

On the whole, disparity among states in the matter of education is glaring.

And the collaborative approach of federalism under the RTE 2009 has a great responsibility in eliminating disparity in access of education.

The constitutional arrangements for fiscal federalism contemplates inter government transfer of funds through the working of the finance commission and planning commission.

The need for proper coordination between finance commission and planning commission and avoidance of political bias has been emphasized by various commission and writers in order to promote equitable development of all the regions and elimination of imbalances³³. Hence, fiscal federalism holds key for equal access to positive rights.

Natural disasters are extraordinary circumstances that severely challenge access to basic human rights to life, safety, shelter, health and rehabilitation. Federalism has the responsibility of coordinating the efforts of the central and the state governments in this regard.

The national commission to review the working of the constitution recommended for incorporation of the new entry into the list III of the seventh schedule on the subject management of disaster-natural and man-made and calamities.³⁴ In *Kisen Pattanayak*³⁵ the Supreme Court asked the state of Orissa to coordinate with the food corporation of India to avoid starvation deaths in circumstances of continuous drought. National Human Rights Commission called for the cooperation of the central and the state governments to combat drought in Orissa.³⁶ Thus,

³² According to the Commission on center- state relations .(MM Punchchi Commission 2010 vol. 7 para. 4.7.04, Ch. 4, note 42

³³ Id. At 6.5.02: *Sarkaria Commission Report* at 252-258:1 *Administrative Commission Report*: M. Govinda Rao and Nirvikar Singh, *Supra* note 32 at 213: K.L. Bhatia, *Federalism and Friction in Centre-State Relations* 131-140(New Delhi : Deep & Deep Publications, 2001)

³⁴ Vol I 8.1.14

³⁵ *Kishen Pattanayak v. State of Orissa*, also see *People's Union for Civil Liberties v. Union of India*, *Supra* note 52.

³⁶ *5 Human Rights Newsletter* No. 3, Mar, 1998

horizontal equity and vertical patronage synergize the federalism's competence to expand rights. That exhibits dynamism of constitutional structure and judicial perception.

II. Access to Inter-State River Water and Application of Part III and the IV

Recognition of rights of water as an aspect of right to life has sensitized the inter-state water dispute law in multiple ways. In *Tamil Nadu Cauvery Nerrappasana Nvnup Sangham v. Union of India*.³⁷ and *Narmada Bachao Andolan v. Union of India*³⁸ and *Atma Linga Reddy v. Union of India*.³⁹ In these cases the doctrines of equitable appropriation and the Helsinki principle rules have some components of the provision. But explicit application of it will have more thorough step in elimination of disparities.

Disparity in access to inter-state water, resulting in unequal economic development, had triggered the issue of invoking fundamental rights to life in persuading for the policy of interlinking of rivers.

The apex court referred to the report of the national council for applied economic research and observed- the hope for elimination of disparities in the matter of access to cluster of positive rights is implicit in the report.⁴⁰

III. Burden of Part III and IV and the Federalism-Based Diversity

Equality arguments have inherent limitation against federalism based diversity as observed in the *State Of M P v. GC Mandawar*.⁴¹

Regarding access to professional educational institution, the practice of preference of locals or fee disparity rule was started with *DP Joshi V. State of Madhya Bharat*⁴² and continues with some variation or limitation even today. The justification has been on the basis of principle of reasonable classification where the host state incurs expenses and experts service of the professionals to the

³⁷ AIR 1990 SC 1316

³⁸ (2000) 10 SCC 664 para 268

³⁹ AIR 2009 SC 436

⁴⁰ Networking of Rivers, In re (2012) 4 SCC 51 at 64 para. 48.

⁴¹ AIR 1954 SC 493

⁴² AIR 1955 SC 334

benefit of residents of the state

Federalism provided no justification for obliterating the ancient safeguards. Brennan J in his dissent viewed that while cooperation between federal and state authorities helped in carrying out the endless fight against crime, nevertheless, 'Cooperation in order to permit the federal government to harass the accused so as to deny him his protection under the Fifth Amendment is not to be tolerated as legitimate requirements of federalism.'⁴³

IV. Legislative Competence In The Matter Of Giving Effect to the Provisions of Part III: The Implications

On the offences relating to 'untouchability' parliament has enacted untouchability (offences) act. 1955 renamed as protection of civil rights act in 1976 and the Scheduled caste and scheduled tribes (prevention of atrocities) Act 1989. Centre state relationship has been employed for the successful application of the laws in this sphere.

The approach of centre-state relationship is conspicuous in the Immoral traffic prevention act 1956 enacted for the enforcement of fundamental rights under article 23(1). In addition to the unified administrative and judicial structure for the enforcement of criminal law, the participation of the both layers of government is expressly contemplated.

It is clear from the above that the socially offensive private acts impinging the fundamental rights are dealt by an integrated approach of centre-state relationship whereas the central governments has gone for studied non- intervention and commitment to the larger concept of equal opportunity at the national level to avoid 'son of the soil' theory.

V - Social Justice Policies of the States and Federalism

The discretion of states to rectify the imbalances in the application of the affirmative action policy is sometimes constrained. An apt example that illustrates this point in the case of *E V Chinnaiah*

⁴³ Bartkus V. Illinois 359 US 121 at 169

*v. State of Andhra Pradesh.*⁴⁴

The dilatory and cumbersome process of getting a remedy from parliament reflects the defect of over- centralization and obstructs diversity oriented social justice. The goal of economic justice underlying articles 31 A, 31 B and 31 C is poised for promotion by Centre-state cooperation, either by demanding prior consent of the president or incorporation of the state legislation into the ninth schedule. In the course of agrarian reforms formulated in various states under the inspiration of five years plans, getting such cooperation has been without much practical difficulty in view of the political importance of the subject, has been very vital for economic justice.⁴⁵

VI. Protection of Rights by Preventing and Controlling Crimes: Federalism's Role

Two recent important judgments of the Supreme Court touching upon the issue of the Centre-state relations on the aspect of law and order situation having impact upon human rights can be examined here. The first one is *State of West Bengal v. Committee for the protection of rights, WB*⁴⁶, a case relating to competence of the CBI to investigate without the consent of a state on crimes occurred in that state and the second one is *Nandini Sundar V. State Of Chattisgarh* ⁴⁷ where Centre-state coordination in combating Maoist violence went on faulty lines.

In *I R Coelho* ⁴⁸ the outcome of the case points out how federalism can be invoked through judicial remedy for the enforcement of human rights.

The second case demonstrates the responsibility of the federal system to avoid human rights violations and to involve in more positive and development activities to eliminate the reasons for insurgency.

But the impasse has continued calling for imaginative application of cooperative federalism to eliminate or mitigate terrorism and promote human rights.

⁴⁴ (2005) 1 SCC 394

⁴⁵ AIR 2010 SC 1476

⁴⁶ AIR 2010 SC 1476

⁴⁷ *Supra* note 54

⁴⁸ *I. R. Coelho (Dead) By Lrs V. State Of Tamil Nadu* (2007) 2 SCC 1

CONCLUSION

Federalism greatly matters in elimination of disparities in access to people's rights and welfare. This brings closer to the ethical objectives of attaining justice. And Elimination of disparities is the sine qua non of welfare federalism. On the whole, federalism matters immensely in the realm of human rights and welfare because of its basic concerns for justice, welfare and cultural pluralism.

Exercise of legislative competence of the central government in the matter of part III related laws has not ignored centre-state relationship, but has used as a tool for protection of rights. Unnecessary multiplicity and possible dilutions are avoided by upholding national policy against condemnable acts. Concurrent responsibility of the union and the states in the matter of part IV objectives has added efficacy to enforcement strategy.

The spirit of centre-state relationship requires proper understanding and mutual confidence between the Union and the States Government. This type of working relationship should be considered desirable and essential for the successful working of the dual polity with such large areas of inter-dependence.

The Sarkaria Commission report has also emphasized on the creation of a strong centre state relationship. Centre-state relationship structure is the means to achieving a strong nation. There is requirement of giving greater flexibility and authority to the National development council by constituting it under the provisions of Article 263.

A cooperative relationship between the Centre and the States is the need of the hour. Without a cooperative relationship, it will not be possible to move ahead in the present economic world. The various technological advancements, economic and trade activities and external aggressions across the world call for a cooperative relationship between the centre and the states in order to provide stability and security in the country.