
CO-OPERATIVE FEDERALISM AND THE ROLE OF ZONAL COUNCILS IN INDIA

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ABSTRACT

Promotion of interstate cooperation and coordination is one of the objectives which is to be achieved in a federal system. Zonal councils were formed as advisory bodies with the objective of cooperative federalism and development of states within the respective councils. Zonal councils are formed by the provisions of State Reorganisation Act 1956. Along with the Zonal Council, North- Eastern council is also formed by the parliament in the year 1972 by North Eastern Councils Act of 1971. However the workings of the councils are not satisfactory as they are not having any striking achievements to satisfy the objective of formation. The rationale behind the formation of Zonal Councils, the need to achieve co-operative federalism, composition of the councils, achievements and suggestive measures for improvement of councils falls within the spectrum of this research paper.

Keywords: Co-operative, Federalism, Zonal Councils, Re-organisation, Governance.

INTRODUCTION

The federal system of government works on the principle of division of subjects of governance between the union and state governments, even though there is a division made through schedule seven of the constitution, the functioning cannot be in watertight compartments. For the effective functioning and implementation of objectives mutual coordination is required. While examining the oldest federations of United States of America, Australia and Canada, a shift can be observed from competitive federalism to the concept of cooperative federalism. While analysing the historical background during the formation stage the states it could be seen that States were more conscious about their rights and authorities and it resulted in many intergovernmental frictions and oppositions.

There are various factors which formed the reason for slow transformation of concept of Competitive federalism to Cooperative federalism:

- (a) During the emergencies like war mutual cooperation and co-ordination was felt to be required,
- (b) The transition to the concept of welfare state requires huge financial and other resources which a state cannot pool by itself
- (c) Modern technological and related developments is marked as another reason

The cooperation between the centre and states in the oldest federations of the world enabled them to implement the national objectives by bringing the scattered resources together. Grants from the central government are considered to be one of the significant factors for the implementation of social welfare schemes which brings the units together to form the federation. In the USA Conditional grants is given to the states for implementing federal schemes which is centred around a intergovernmental co-operation. In Canada also techniques for achieving co-operative federalism can be witnessed as the grants are provided to the states by the centre and delegation of power is made by the centre and states to some agencies constituted by any of the governments. Financial needs of the states in Australia led to the formation of Australian Loan Council (ALC) in the year 1927 in order to coordinate the machinery of financial assistance. To achieve cooperative federalism in Australia conditional grants were given by the centre to the states and the practice of income tax sharing was emerged.

The framers of the Indian constitution examined the concept of co-operative federalism growing in oldest federations and felt the need to incorporate the idea into Indian constitution. Interdependence of States and Union in relation to effective functioning is inevitable in a Federal system, being in a single territory there is possibility of dispute between the states and between centre and the states, a mechanism of intergovernmental cooperation and coordination is required to reduce the chance of friction between the units. Therefore the framers of the constitution have purposefully created several constitutional provisions such as Article 263 (dealing with the inter-state council) to promote cooperative federalism.¹ One of the agencies created outside the spectrum of constitution by statute is Zonal council. Several provisions are made in the State Reorganisation Act 1956 in order to have a co-ordination between governments in a federal system, which are discussed in this paper.

LITERATURE REVIEW

1. Zonal Councils in Indian federation² - P. K. Sharma

Zonal councils are established to achieve the aim of cooperative federalism in India, the Councils are established by State Reorganisation Act of 1956, the objectives of the Council is to improve friendly relations between neighbouring States, and to bring co-ordination and co-operation between the states and Union government. The country was divided into five Zones and Councils were established in these Zones namely, Northern, Central, Western, Eastern, and southern Zonal Council. Council is to be chaired by a Union minister. Chief ministers of the States in the respective councils shall hold the post of Vice-chairman and the post is by rotation. Act provides for the appointment of two ministers of states as members along with the chief-minister, and there are two members from the Union territories. Chief secretaries of the States are holding the post of Secretaries of the councils and joint secretaries are not appointed from any of the States, appointment of joint secretaries is made by the central government. Author also states about the general working of the council according to the provisions of State Reorganisation Act. The functions of the council listed include monitoring socio-economic development of the States within the concerned Zones, bringing emotional unity, speedy

¹ INDIA CONST. art. 263

² P. K. Sharma, Zonal Councils In Indian Federation, Vol 4, No. 4, JSTOR, 1969

development of the targeted projects, and to deal with the matters incidental to separation by reorganisation of states.

2. The North Eastern Council :Some Political Perspectives³ - M. S. Prabhakar

The North Eastern Council came into existence on August 1 1972 by virtue of North Eastern Council Act of 1971, and was officially inaugurated by the Prime minister in the month of November. The objective of the council is to bring socio economic development, creation of linguistic affinity and to deal with the various matters after the reorganisation, the objectives are similar to that of Zonal councils. The author observes in his article in a critical point of view that, establishment of another Zonal council was sufficient to address the issues of north eastern States. The author analyses the establishment of North Eastern Council as a politically triggered objective of central government to extent the Union control over the States in North Eastern areas.

3. Cooperative Federalism In India: A Constitutional Reality or a Myth?⁴ - Pawanpreet Singh

According to the author the concept similar to that of federalism was in existence in India from ancient times even though not exactly the same, as authorities were decentralised by the princely States and there was a division of power. The author highlights some factors in order to achieve cooperative federalism in India, which are division of subject matter of governance between centre and States , supreme constitution which is written, independent judiciary, and cooperation and coordination between the governments working in a federal system is the significant factor for observing this concept for good governance. Several measures were taken by the government since independence to achieve cooperative federalism, State Reorganisation Act was passed in the year 1956 by the government headed by Pandit Jawahar Lal Nehru, planning commission and National Development Council was established, all are considered as factors which can achieve mutual tolerance and friendly relations of Governments in a federal system.

4. Federalism In India⁵ - Rishab Vyas and Nikita Bokil

Federalism is having the features of division of subject matter of governance between the centre and the States, independence of States in a federal structure is another significant

³ M. S. Prabhakar, The North Eastern Council :Some Political Perspectives, Vol. 8, No. 40, JSTOR, 1973

⁴PawanpreetSingh, Cooperative federalism In India : A Constitutional Reality or a myth?, No. 3, Heinonline, 2020

⁵RishabVyas, Nikita Bokil, Federalism In India, Vol. 3, INT'I J. L., (2020)

feature of traditional federalism. The author through this Article highlights the nature of federalism in Indian scenario and discusses various theories of federalism. Mutual dependence of the States and Union government in matters of governance is the essence of federal government as a State cannot remain in complete isolation. Functional theory of federalism pronounced by R. L. Watts states that interdependence of regional governments and coordination is a necessary corollary to the federal policy.

ZONAL COUNCILS AND NORTH EASTERN COUNCIL IN INDIA FEDERAL SYSTEM

The idea of establishing Zonal councils as a mechanism for improving interstate coordination and cooperation was first advanced by Pandit Jawahar Lal Nehru. Issues which were emerging in different parts of Indian Territory during the re-organisation of states on the linguistic basis posed challenge to the integrity of nation. Federal structure given to the Indian government in the year 1947 was on the basis of administrative convenience and pattern of units created by the colonial government. Later demands for the division of states based upon cultural and linguistic pattern began to rise. In the year 1920 leaders such as Mahatma Gandhi demanded for creating the states on the basis of linguistic similarities.⁶

In consideration of various issues and demands in several part of Indian Territory, government of India decided to form states on linguistic pattern which included the states such as Tamil Nadu, Andhra Pradesh, Maharashtra, and Gujarat. Post independent India witnessed several issues which were considered by the government during the re-organisation, issues with respect to public services, religious affiliations, higher education, sub-nationalism, debate on national language were at rise during that time.⁷ State Reorganisation commission was established by the central government, commission identified several policies and matters existing in various state territories which go against the growth of nation and national integrity, it was found that in one state domicile was considered to be a factor for not only determining the public services but also for matters related to fisheries, forestry, agricultural activities etc. Some technical educations were available in some states only and migration of students from one state to the other state was required, mutual cooperation of states in matters such as migration for higher studies demanded mutual understanding and tolerance.

⁶ S Fazl Ali et. al. , Report of the States Reorganization Commission (New Delhi: Government of India, 1955) Chapter IV, Secs. 850

⁷ 1 M. P. JAIN, Indian Constitutional Law 833(Wadhwa and Company Nagpur 2003)

One of the significant recommendation made by the commission was that, one third of the judges for state high Courts have to be recruited from other states in order to increase confidence in judiciary and appointment should be based on professional ability and talent. The need to have a common language for official purpose was also considered to be a factor of unification in federal structure. Several educational institutions at that time adopted the policy of giving the instructions in regional languages at that time and reorganisation of states on the basis of linguistic pattern was considered as a requirement for promoting the interstate education between nearest states. State Reorganisation commission observed that English language played a significant role in unifying the official activities.

State Reorganisation Act came into effect on November 1, 1956 by the recommendation of commission headed by Justice Fazl Ali, section 5 to section 22 under part 3 of the Act provided for the matters connected with and incidental to the Zonal councils in India. Zonal Councils were formed as agencies for inter-governmental cooperation and coordination and for reducing the chance for controversies between the governments.⁸

ESTABLISHMENT OF ZONAL COUNCILS

Section 15 of State Reorganisation Act provides for the establishment of Zonal councils, for this purpose the country is divided into five zones⁹:

- (a) Northern zone: This zone consists of five states and two Union Territories. The States of Panjab, Haryana, Himachal Pradesh, Rajasthan, Jammu and Kashmir and Union Territories of Delhi and Chandigarh comes under this Zone.
- (b) Southern Zone: This zone is composed of four States and one Union territory. The States of Karnataka, Kerala, Andhra Pradesh, Tamil Nadu and Union territory of Pondicherry is coming under this Zone.
- (c) Eastern Zone: State of Bihar, Sikkim, West Bengal and Orissa is coming under this Zone.
- (d) Western Zone: This Zone consists of three states and two Union territories. State of Maharashtra, Goa and Gujarat and Union territories of Daman and Diu and Dadra and Nagar Haveli is coming under this Zone.

ESTABLISHMENT OF NORTH EASTERN COUNCIL

⁸LOK SABHA DEBATES, December 23, 1955, Vol. 1, 880

⁹State Reorganisation Act, 1956, s. 15, Acts of Parliament, 1949(India)

In addition to these five Zonal Councils North Eastern Council was also established by the North Eastern Council Act of 1971, the council consists the States of Assam, Meghalaya, Tripura, Arunachal Pradesh, Manipur, Mizoram, Sikkim and Nagaland.

ORGANISATIONAL STRUCTURE OF COUNCILS

Union Home minister is the chairman of the Zonal Councils and the Chief Ministers of the states within the Zone will be appointed as the Vice-chairman, the post is by rotation and for a tenure of one year. Chief Minister and two other ministers shall be nominated by the governor from each state as the members of the zones and there shall be two members from the Union territories. Act also provides for the appointment of advisors to the Zonal councils, one person is nominated by the NITI Aayog and Chief Secretaries along with another officer or Development commissioner of each state shall be nominated as the advisors for the council.

The council's meeting is scheduled at the time chairman of the council decides, and the chairman is empowered to observe the procedures of the councils. In the absence of chairman, the vice-chairman shall be presiding over the meeting and in the absence of chairman and vice-chairman, a member can be chosen by the members present for the meeting to chair the meeting and to observe the rules and procedures of the council. Each member of respective councils have voting power and in the case of equality of votes the chairman of the council have a casting vote.¹⁰ Section 18 of the Act states about the appointment of the committees by passing the resolution at the meeting of the council, to deal with the matters connected with the resolution, the committee can be formed with the members of the council and advisors of the council and such other ministers of Union or the State government and any officers of governments can be appointed as the members of the committee. Persons associated with these committees appointed, shall be having power to attend the discussions of committee but have no right to vote in the meeting of the committees.

Voting right in the council is given on membership basis and not on the basis of State division, therefore it is also possible for the members from a state to vote on a subject matter differently, even though there is less possibility for that, because of the fact that members are the ministers from respective states and are accountable to the cabinet.

Joint meeting of the Councils can be called by the chairman if a representation is made to the Zonal council by a state in the council that, any matters of common interest exist between that state and any state or states under another Zone or Zones and it is necessary to give

¹⁰ State Reorganisation Act 1956, s. 17, Act of Parliament, 1956

recommendation to the concerned governments on a particular matter of common interest. The government of India is empowered to make rules for conducting the proceedings in the joint session of councils and report of the meeting is to be forwarded to the central government.

Zonal councils and North Eastern Councils are formed as advisory bodies for achieving the objective of co-operative federalism. Other function of the councils includes:

1. Achieving socio-economic progress in states within respective councils, for achieving this aim Councils are empowered to make recommendations to the concerned government of States and the central government. Cooperation and coordination between the governments helps to pool the scattered resources together in order to contribute for the development States within the Zones and nation as a whole. Integration of the resources is a factor considered by the oldest federal states such as United States of America, France to move forward with the idea of cooperative federalism.
2. Rationale behind the formation of the Councils also includes the objective of giving recommendations in order to solve the cross border disputes and to deal with the issues of linguistic minorities along with other matters such as inter-State transportation.
3. One of the initial objective and function of the Zonal council was to deal with the matters connected with the re-organisation of states.
4. Arresting the particularistic tendencies and linguism among states was one of the functions of these councils, growth of regionalism was also one the common situation during the formation of Zonal councils.
5. For effectively achieving these functions, factors such as geographical locations of the states, socio-economic development (as existed) and cultural and linguistic affection of the people were all considered by the government¹¹.

The office of the Zonal council is located at such place decided by the concerned Zonal Council, chairman is having more power to decide on the matters of office, the council is assisted by secretarial staff's such as secretary of the council, joint-secretaries, and other officers appointed by the chairman. The chief secretaries of States are appointed as the secretaries of the Zonal councils, the post shall be by a rotation and joint secretaries appointed by the chairman are not from the service of respective states.¹²

¹¹P. K Sharma, Zonal Councils in Indian Federation, 4 Economic and political weekly. 263 (1969)

¹² State Reorganisation Act, 1956, S. 19, s20, Acts of Parliament, 1956(India)

REASONS FOR THE UNSATISFACTORY WORKING OF ZONAL COUNCILS AND NORTH EASTERN COUNCILS IN INDIA

Zonal Councils are not constitutional bodies similar to inter-State council established by virtue of Article 263 of the constitution. One of the recommendation made by Sarkaria Commission on Centre –State relations was to give a constitutional status to Zonal councils.¹³ Being advisory bodies the recommendations made by the Zonal Councils and North Eastern councils are not strictly observed by the states or the central government, which can be considered as a factor reducing the effectiveness.

There is irregularity in conducting the meeting of the councils, if the council is given constitutional backup as recommended by Sarkaria commission and provision can be made for regular meeting of the councils and functioning of the council can be improved. Regular meetings will also help to reduce the friction related to various inter-state disputes and enables better coordination and co-operation among the States and Union government. Political differences between the ruling governments of States and the centre Government is another factor which reduces the working efficiency of these advisory bodies.

CONCLUSION

Zonal councils and North Eastern Councils are established for achieving the Objectives of cooperative federalism. Effective working of these organs will bring healthy relations between the constituent states and the Centre government. On May 1, 1957 then Home minister stated in a central Zonal council meeting, the significance of these councils in achieving cooperative federalism and the role which can be played by the councils in avoiding differences between various governments.¹⁴ Resources which are scattered around the nation can be pooled together in order to achieve national objectives. Working of these organs will also enable the states to gather more resources to implement its welfare policies, as the resources of a state may be limited, mutual cooperation is necessary attribute to improve operational efficiency of certain State policies.

Regular meetings of the Zonal Councils and North Eastern Councils are significant to improve the working of the councils. Constitutional Status can be given to these Councils and provisions for regular meetings can be incorporated to bring operational efficiency. Bodies such as Inter-State Council and Zonal councils along with North Eastern Council is necessary in a federal

¹³ I M. P. JAIN, *Indian Constitutional Law* 835 (Wadhwa and Company Nagpur 2003)

¹⁴ P. K Sharma, *Zonal Councils In Indian Federation*, Vol 4, No. 4, JSTOR, 1969

system to bring cooperation and coordination between States and Centre government. Recently Union Home minister chaired the 25th meeting of western Zonal council at Diu, several matters were discussed at the meeting for improving the rural banking services, security measures, fisherman's safety in high seas, monitoring of sexual offence cases etc and constituent states were able to express their opinion on these matters. Therefore the council also forms the platform of communication for the States governments to express their opinions on policies of union government and other states affecting their interest.

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