

Centre State Relations in India

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Week 07: Grant-in-aid, Discretionary Grant, Borrowing, Inter State Council, Zonal Council, NITI Aayog

Lecture 35: Zonal Council and North Eastern Council

So, greetings to all of you. As we have completed our discussion on legislative relations, administrative relations and financial relations and we are discussing on the role of different bodies in addressing the Centre State relations. In continuation of the same today we shall discuss the role and responsibility of the Zonal Council. In the last session we discussed the role and responsibility of the Inter-State Council which is a constitutional body and Zonal Council is a statutory body which got established through an Act of Parliament. So, in today's session we will be discussing on Zonal Council, division of Zones, composition and functions of Zonal Council, North Eastern Council which is again created by another Act then what is the composition of North Eastern Council and how this Councils this whole structuring is advancing the idea of federal structuring of the Indian Constitution that is also we will comment upon. The idea of having a Zonal Council came in mind of the first Prime Minister Pandit Jawaharlal Nehru when there was a discussion going on of reorganization of States in early part of 50s then the idea came that let there be Zonal Council to deliberate on the issues of common interest of that region so that they can suggest significant improvements in various developmental projects, various infrastructural projects, various issues pertaining to socio economic planning to the Government of India or they can plan something with their with the coordination of the States and that is how the idea of Zonal Council got concretized and the States Reorganization Commission has suggested for the same because of that what we find that we have got a now Zonal Councils and in addition to that North Eastern Council has also come into existence through a statute through an Act in the year 1971.

Now this Councils they play I always believe a significant role in both strengthening the Centre State relation and also kind of relation between the States. So 1956 when State reorganization took place through a statutory scheme through legislative scheme it was suggested that let there be a Zonal Council with an idea of cooperative federalism where the dialogue discussion interaction engagement between the States shall be a kind of mantra for improving the life of the individual for overall growth economic growth of the country and that is how it was decided that let Zonal Council be seen as a sort of experiment by looking into the issues which are complex and how those issues can be effectively addressed through a dialogue how strain and stress in the federal relations can be resolved through the forum where Chief Ministers can interact and they can share their constraints they can share their ideas and through that a common way out can be taken way out can be formed. So when you look at the very structuring of India you find that there are lot of linguistic hostilities, issues with regard to resource allocations, natural particularly natural resources, for example, inter-State water dispute, division of States on the lines of language. So it was thought that Zonal Council will be an appropriate body we shall discuss these issues and try to minimize the differences it will it will serve as a platform for addressing those issues which are may be more connected with the political appeals, more connected with the kind of sentiment of the people of that region which might have got fed up because of certain reasons.

So, this Council can play a role in addressing the same and resolving the same. So these are the objectives of the Zonal Council which are provided for it says that it shall work on a model of cooperative federalism where it shall work on kind of cultural elements among the States, then it will counter State consciousness which has been encourages due to linguistic movement, language should become a part of connect it should become a reason to connect instead of dividing the people, then inter-State coordination and cooperation then it says that ordered progress of individual States should be a kind of goal where every State shall move in a progressive way by hand holding each other and then reducing the stress and strain in federal relation. So instead of taking everything with approach of dispute instead of always entering into a kind of conflict or a litigative approach it is better to look at the issues which can be mutually resolved and which could not be mutually addressed. So there is Zonal Council which is established under the 1956 Act. Section 15 of the Act five such Zonal Councils are established

Northern Zone, Central Zone, Eastern Zone, Western Zone and Southern Zone. These are the 5 Councils which are established and these five zones are like this we can look at it Northern Zone comprises of Haryana, Punjab, Himachal Pradesh then Union Territory of Jammu and Kashmir then National Capital Territory of Delhi and Union Territory of Chandigarh. Central Zone comprises of Uttarakhand, Uttar Pradesh, Chhattisgarh and Madhya Pradesh then Eastern Zone comprises of Bihar, Jharkhand, Odisha and West Bengal. Western Zone comprises of Gujarat, Maharashtra, Goa, Union Territory of Dadar and Nagar Haveli and Daman and Diu. Southern Zone is Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telangana and Union Territory of Puducherry.

Now when you look at the categorization of the States you would agree that this is not done very scientifically as on date, for example, putting Uttarakhand with Chhattisgarh is not very appropriate because the demography of Uttarakhand is different the entire topography is different they have got a different planning of economic growth, tourism is they are more dependent on tourism whereas, Chhattisgarh has got mines and minerals.

So we need I believe we need a kind of restructuring of the States if needed there can be a more Zone and Councils to be added. Similarly when you look at Northern Zone clubbing let us say Haryana and Punjab with Union Territory of Jammu and Kashmir or Ladakh this may not be very appropriate. So some kind of restructuring is required so that this Zonal Councils will have at least minimum common interest where they can come and converge on ideas and they can take maximum advantage of such coordinated effort where some kind of conclusion be drawn. This is the composition of the Zonal Council as per the Zonal Council Act. Section 16 where you find that Union Minister to be nominated by the President as Chairman, Chief Minister of each States shall be the Vice Chairman, and then two Minister of each State to be nominated by the Governor. If there is no Council of Minister then three members from that State to be nominated by the President and two members each of the Union Territory if Union Territory is included in that Zone that is what the composition it talks about.

And then there are Advisors to the Zonal Council this is one person nominated by the Planning Commission so obviously now we do not have a Planning Commission so it has to be read as NITI Aayog. Then Chief Secretary of the State government of each State should be included in

the Zone and then Development Commissioner or any other officer nominated by the government of each States to be also included in the Zone. What is the working of the Zonal Council when you look at it? It says that it shall meet as and when the Chairman of the Council decides and it says that the meeting of the Council shall take place on the agenda to be determined by the Zonal Council but then the decision making process shall be based on voting if unanimity is not the way to find a solution if it is not been done with the unanimous vote then all questions shall be decided through a majority of the votes that is what it says. And then the proceedings of every meeting of Zonal Council shall be forwarded to the Central government and also to the concerned State government which is falling in that Zone that is what it says. And Zonal Council may appoint Committees of its Member and Advisors for performing such functions as may be specified in the resolution which the Zonal Council passes under Section 18 of the Act.

So for example, Zonal Council has established a Standing Committee on the lines of Inter-State Council comprising of the Chief Secretaries of the State member States as the Standing Committee. Zonal Council function is an advisory body it is not even a recommended body it is just an advisory body, it is a statutory body it is not even a constitutional body like Inter-State Council and what it can look at under Section 21 it says any matter of common interest in the field of economic and social planning any matter concerning border disputes linguistic minorities and interstate transport or any matter connected with or arising out of the reorganization of the states broadly these are the matters which it can look for. It is important to take note here that economic and social planning as a subject is also there in Schedule VII in the Concurrent List where by what it mean is that that the responsibility is been given to the both the Centre and the States to look into the subject matter of socio economic planning. In fact, the ongoing debate on the relevance of having a caste census is based on this very subject matter on social and economic planning that those who are advocating for it they are advocating that it should be done because of advancing this socio economic planning that this is one of the subject matter given in the constitution. So, Zonal Council has been interested with the task of looking into the border disputes as you can look at the background it was suggested by the Commission which was established for reorganizing the State.

So, they were very much concerned that once the State is divided on linguistic basis then the

differences between the States should not get aggravated like we know that still we have all the differences between Maharashtra and Karnataka about a Maratha region which is falling in Karnataka. So, that kind of differences should not get really aggravated that is why this kind of Zonal Council this kind of bodies were envisaged. So, when you look at the nature of, or utility of this kind of body it appears to be very significant because in in federal set up all disputes cannot be resolved through the Court of law. There are limitations with the judiciary, judiciary can resolve only those disputes which are judicially measurable which does have a measurable standards those disputes can only be taken up by the judiciary. So, there are there are areas which require resolution of a different kind and where these Councils can play an important role on the lines as I discussed with Inter-State Council.

So, functioning of Zonal Council does not indicate any kind of hierarchical relation in traditional administrative set up. It is not that one Zonal Council is higher in its status than the other one. And another point is also that Council is also not made a kind of subordinate to the Union. It is kind of collaborative platform where both the States and the Union they come together and they look into the important issues. For example, some important issues which were being discussed in this forum are like forest clearance for railway projects, land acquisition for infrastructural projects, then modernization of the police, safety and security of railway, issues of migrant workers these are important subject matters which are being discussed under this Council.

Now few questions one can ask that if this Councils are so important. Let us say for example, this Council make some recommendations can that recommendation play a significant role, can this recommendation be of evidence value in the Court of law, can in a legal proceeding that is a question which one has to look for. And how do you see this Council contribute in resolving the dispute between the States and the Union particularly on an important area. For example, the ongoing dispute with regard to GST distribution of amount under GST scheme though we have got a GST Council, but then can it be also be taken up by the Zonal Council where their discussion can be more on a frank and free basis and the limitations can be discussed, the possibilities can be discussed in a very friendly atmosphere in a very conducive ecosystem. So, these are the questions that can we really see the Zonal Councils taking up this kind of responsibilities Zonal Council. The significance of Zonal Council also comes in when we try to relate it with the pandemic like situation. When a closer coordination is required between the

States, how do you see the Zonal Council stepping in and fulfilling the responsibility in giving an effective redressal to the crisis which we experienced during COVID-19 pandemic.

North Eastern Council is a separate statutory body came into existence in the year 1971 which is basically a nodal agency responsible for coordinating the socio economic developmental initiatives of the North Eastern region. We know very well that North Eastern regions are very strategic one for a very reason that is known for its diverse culture, it is known for it's a huge number of ethnic populations and at the same time it is also well known fact that the entire region is underdeveloped. So, in North Eastern Council is a good step taken for improving the condition of all the States falling under North Eastern region all the eight States – Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura.

What has been done is that 2002 there is an amendment done in this North Eastern Council Act and Governors along with the Chief Minister also made the members of this North Eastern Council. The reason is very obvious because we know very well that under the constitutional scheme in India the Governors are being given a special responsibility with regard to North Eastern States where they can directly interfere there are discretionary power vested upon the Governors to directly interfere on the issues of tribal welfare. So, considering that aspect of Article 371 one may say that this amendment is well acknowledged as per the constitutional scheme. The President nominates the Chairman of the Council it is not that the members they nominate the Chairman amongst themselves it is the responsibility of the President to nominate. And it is an advisory body like Zonal Council and then it as I said it is basically serving as a regional body for undertaking developmental activities for the North Eastern region ah.

And that is why you say that the Council are been interested with the task of discussing the matters in the some states or the Union and one or more States have a common interest and accordingly they advised to the Central government. They may recommend on the matter of common interest in the field of socio economic planning, inter-State transport and communications and the matter related to power or flood controls projects of common interest. So, the function of North Eastern Council becomes important as I said that the when you look at the States in North Eastern region you would find that the States are known for it is ethnic and linguistic characters. There are more than 200 different ethnic communities are there in north

eastern areas there are different languages there. And additionally North Eastern States they are bordering states having international borders running into some 5000 kilometer plus or so.

So, in that way they become a very strategic part of it North Eastern States become a very important from the perspective of Look East policy of the Government of India. So, it becomes a very significant body and that is why it is been rightly given a statutory a status in order to look to review the implementation of projects and scheme undertaken for improvement of this area. And in fact, the functioning of the North Eastern Council truly testifies that after the formation of the North Eastern Councils a huge network of roads have been let down in the entire North Eastern region, tourism has been promoted, infrastructure projects have been taken up. So, North Eastern Council for that matter is playing a significant role in improving the overall development of the area that's what Council is also been interested with the responsibility to recommend the measures for effective coordination among the States. The Council shall also review the maintenance of security and public order and recommend measures relating to the same. It says that it will attempt to secure the balance development of North Eastern areas that is what it says.

So, it is in way nurtures the federal character when you look at it they are more into both horizontal federalism and vertical federalism. They do not look at the federal issues only from a classical federal system of Centre and States. They also look at the strengthening bond between the States between the constituent units and therefore, they are there to address the differences, iron out the differences between the Centre in the States or amongst the States. And the design which has been envisaged under the law is through dialogue, through discussion, through cooperation, through coordination and not through imposition not through by dictate and that is why as I said it has a potential of giving a long lasting solution. When you look at the role of the Union government it is more like holding together where the Union is like making all the units to a compact one so that all of them collectively work towards the growth of the nation.

These are the references for this lecture. Thank you.