



**Sleepy Classes IAS**  
Awakening Toppers

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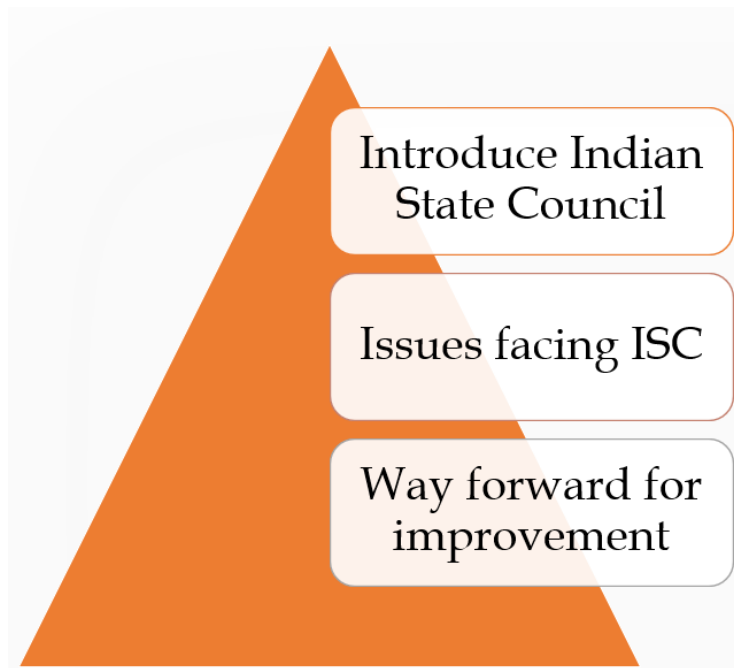
# Political Science & International Relations Crash Course

*Lecture - 21*

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1) Despite constitutional mandate the Inter-State Council has not come of age. 10 m [2019]



**Mitra and Pehl** in the analysis point to three kinds of power sharing mechanisms in India's federal model:

**Vertical**- Distribution of powers between Centre and states

**Horizontal**- Distribution of powers among various branches and different states.

**Transversal**- structures and institutions as 'inter-locking units' in coordinating relations

Inter-State Council is a constitutional body envisaged under article 263 of the Constitution, that has the potential to contribute towards power sharing relations of all three varieties.

However, despite the constitutional mandate, ISC has not been able to live up to its potential:

**Non-Permanent body:** Despite constitutional status, the ISC is not a permanent and it is upto the President to establish it at any time if it appears to him that the public interests would be served- Till 1990 ISC existed only on paper.

**Underutilised body:** Even after its creation, the ISC remains severely underutilised. Since its constitution in 1990, the body has met only 11 times, although its procedure states it should meet at least three times every year.

**Functional limitations:** The framed Guideline disallow the Council from discussing topics that fall under the purview of the Finance Commission, etc. It is also excluded from areas that relate to constitutional or statutory responsibility of the Union to discharge any duty, unless a majority of members, with the approval of the Chairman, feel it is important to include. The guidelines have adversely affected the functioning of the Council.

**Lack of experts and stakeholders:** ISC consists of PM, CMs of states, UT administrators and cabinet ministers. However the issues of conflictual federalism regarding trade, taxes, water etc often require other stakeholders of civil society who don't participate. Further lack of experts also hampers the effective working of the Council.

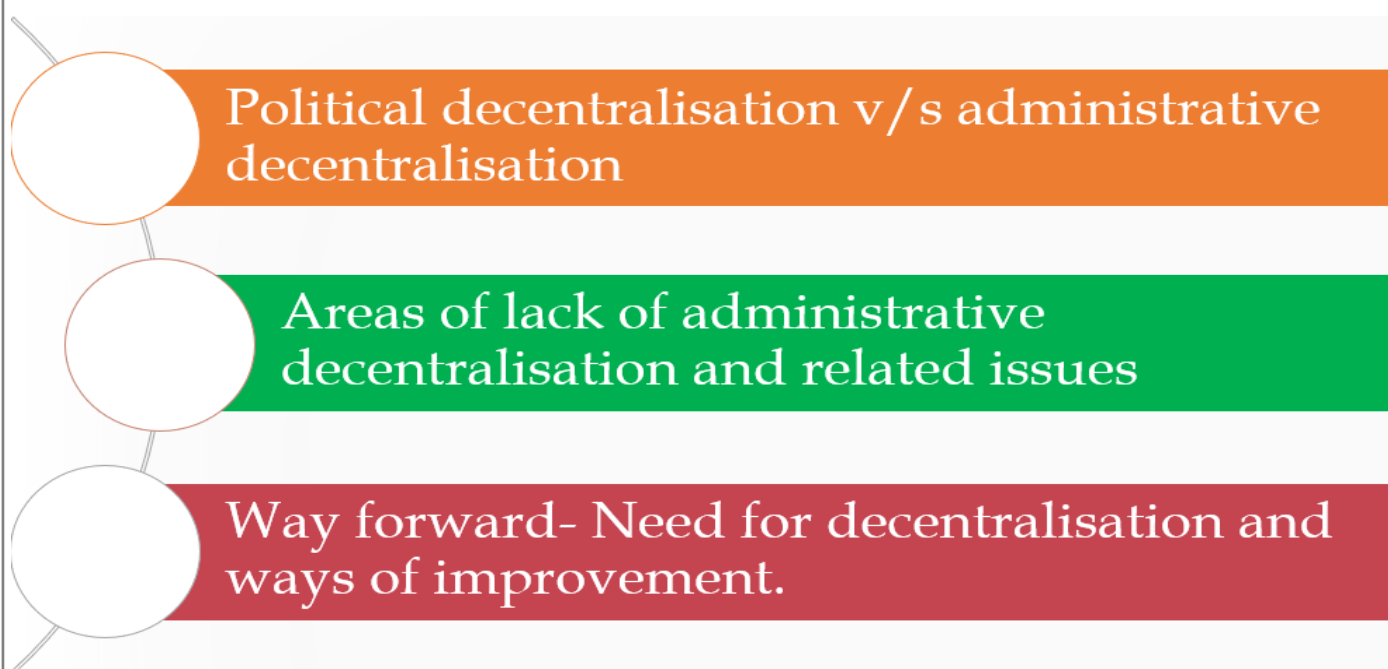
**Recommendatory in nature:** The recommendations of the ISC are non-binding in nature which further impedes its status and working, reducing it to a paper tiger.

- The effective functioning of Inter State Council require certain changes to its structure, functioning and status:
  - **Permanent status:** One of the chief recommendations of the *Sarkaria Commission* included granting permanent status to the ISC to ensure its timely and effective contribution to creating an environment of cooperative federalism.
  - **Functional autonomy:** The *Punchhi Commission* on Centre-State Relations had stressed for granting functional independence to the Council so that it can engage vibrantly on policy development and conflict resolution.
  - **Making recommendations binding:** Another important step requires making recommendations of ISC binding upon the Union and states to grant the body more teeth.
  - **Inclusion of experts:** The notification related to the re-composition of the Council issued in 2019 suggests that the Standing Committee may invite domain experts so that the deliberations on vital and complex issues get guidance from their expertise. The same needs to be ensured.
  - **Stakeholder approach:** There further needs to be mechanisms of consultation devised to ensure consultations with civil society stakeholders where required.

- On account of the limited jurisdiction conferred upon it, the Inter-State Council has fallen short of its capacity to take advantage of its potential envisaged by the makers of the Constitution. Though the Council has the backing of the highest law of the land, its benefit is yet to be tapped.
- The implementation of these recommendations can ensure channels of communication between the states and the Centre, and leave space for resolution of disputes.

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2) Political decentralisation has not been matched by administrative decentralisation at the grassroot level. Explain. 10m. [2019]



## Introduction

- Political decentralisation to the grassroots envisaged in Gandhiji's panchayati raj saw mention in the Constitution through DPSPs.
- The 73<sup>rd</sup> and 74<sup>th</sup> amendment acts institutionalised local governments ensuring grassroots democracy at both rural and urban levels.
- However, while the 11<sup>th</sup> and 12<sup>th</sup> schedule ensure political decentralization by holding of elections through state election commissions and institutionalizing bodies like Gram Sabhas, Municipal committees, corporations etc, administrative decentralization remains limited through the problem of 3Fs:

### Issue of Functions:

Despite listed subjects in 11<sup>th</sup> and 12<sup>th</sup> schedule, states have been hesitant to devolve control of these functions to local governments. Further there is lack of clarity of division of functions amongst different tiers of PRIs and ULBs.

Moreover, the increased 'agencification' through parasatals and SPVs and overlap among different organisations leads to confusion and hurdles for citizens to access services (Lama and Reval).

The 73<sup>rd</sup> amendment act fails to specify adequate sphere of functions to the Gram sabha. While certain states like Kerala and MP have devolved a lot of powers, in other states they remain toothless bodies. Similarly, in context of 74<sup>th</sup> amendment act, both District and Municipal Planning Committees have yet to be formed across India.

## Issue of funds:

Lack of internal revenue: Most local bodies, both rural and urban are unable to generate adequate funds from their internal sources, and are therefore extremely dependent on external sources for funding.

There are two main reasons for low internal revenue collection:

1. Local bodies may lack the capacity to properly impose taxes, due to ambiguous taxation norms, lack of reliable records, and so on. Further innovations like municipal bonds have encountered limited success.
2. State governments have not devolved enough taxation powers.

Further, external revenue remains extremely limited. Nandi and Gamkhar argue about the inadequate revenue distribution from state governments to local governments to meet expenditures of devolved responsibilities.

## Issue of functionaries:

The capacity of local bodies to carry out their mandate is often circumscribed by the state government officials. Additionally, the secretariats of local governments are grossly under-staffed and under-skilled.

Bibek Debroy argues that there are neither structures nor any specific persons with roles specified for planning at levels of administration below the district.

The Fourteenth Finance Commission provided a platform to move into decentralised planning at the gram panchayat level- 'gram panchayat development plan'. This too however, remains a non-starter.

## Need for administrative decentralization

- According to *James Manor*, it enhances the accountability of government, and makes it more responsive, in three senses:
  - The speed of responses (decisions, actions, projects, and so on) usually increases because empowered councils at lower levels need not wait for approval from higher authorities.
  - The quantity of responses also increases because those councils strongly prefer many small development projects, rather than a smaller number of big projects which appeal to politicians higher up.
  - And, most crucially, the quality of government responses also increases— if quality' is measured by the degree to which responses conform to popular preferences.
- Further, administrative decentralization also tends to strengthen the integrative capacity of governments, both *horizontally* and *vertically*:
  - It helps to achieve horizontal coordination of different sectors (health, education, agriculture, and so on).
  - It also helps in vertical 'scaling up' of lessons learnt from isolated localities.

## Way Forward

- There is need for genuine empowerment of institutions. The Mani Shankar Aiyar Committee suggested the necessity of video conferencing for gram sabha meetings to increase participation.
- The **Punchhi Commission** offered a slew of suggestions including:
  - Creation of an oversight body like National Commission and state commission for ensuring proper functions and usage of funds by PRIs and ULBs.
  - Creation of legislative councils in all state with change in their composition to resemble Rajya Sabha with members as representatives of local self governments in the states.
  - Systematic capacity building of members of local self government and effective devolution of functions to the states and to the local bodies.
- The **2nd ARC and S.B. Sen Committee on Decentralisation** has underlined the importance of '**principle of subsidiarity**' which emphasizes that central authority should only be performing those functions which are subsidiary tasks, that is those functions that can not be performed effectively by bodies at intermediate or local levels.





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