

# Inter State Council

The Inter State Council is a recommendatory body to discuss and investigate subjects of common interest between the Union and a state or among states. The prime task of the Inter State Council is to inquire into areas of contention and advise upon disputes between the Union and a state or among states. They may meet at least thrice a year. There is also a standing committee of the council.

- The Sarkaria Commission in 1988 suggested that an Inter State Council should exist as a permanent body, and in 1990 it came into existence through a Presidential Order.
- The Eleventh meeting of the Inter State Council was held in July 2016. It was the last meeting to be held.

Since the Inter State Council is formed by the President, the President can advise the Council, solve disputes, investigate and discuss the subjects where all the states and union territories can land upon a single page for better policy coordination.

- Recently, the Inter State Council has been reconstituted, in which the Prime Minister is the Chairman and Chief Minister of all states, with 6 Union Ministers as members.
- Ten (10) union ministers are permanent invitees to the Inter-States Council.
- The government also reconstituted the standing committee of the Inter State Council with the Union Home Minister as chairman.

## Inter State Council: Constitutional Provisions

The Inter State Council is a constitutional body composed of Members of States and is established under Article 263 of the Constitution by the President.

- Despite the Supreme Court's exclusive authority under article 131, the judiciary can resolve Inter-State conflicts.
- Extrajudicial tribunals may adjudicate one type of such issue under Article 262.

- Similarly, Article 263 of the Indian Constitution provides for the investigation and recommendation of the administrative body to resolve Inter-State disputes.

## Article 263 of the Indian Constitution

The Inter-State Council (ISC) was established by the Presidential order on May 28, 1990, under Article 263 of the Indian Constitution. Article 263 states, "if it seems to the President at any time that the creation of a Council would serve the public interests." This was in response to the Sarkaria Commission's recommendation.

The Indian Constitution's article 263 contains several clauses relating to the Inter-State Council, which are listed below.

- The clause held in the investigation and advice on the conflicts that may have occurred or will occur between states.
- assist all the states, or perhaps some of them, in discussing and examining various topics.
- The coordination of all policies is ensured by making recommendations on various topics, and any action in response to a recommendation must be authorized by presidential order. The president aids in forming a council that could handle the aforementioned recommendations. It also specifies the tasks the council and their organization must complete following the right method.

## Composition of Inter State Council

The Inter State Council consists of the following members:

- The chairperson of the Council is the Prime Minister.
- All states' chief ministers
- All the Chief Ministers of union territories that have a Legislative Assembly
- Administrators of union territories that do not have legislative authority.
- Governors of states under the President's rule

- The Prime Minister is to nominate six central cabinet ministers, including a home minister.
- The chairman of the Council, the Prime Minister, can also nominate five ministers of the cabinet rank or minister of state (independent charge) as permanent invitees to the Council.

## Functions of Inter State Council

The President defines the Inter State Council's function under Article 263 as an investigation into and advice on disputes that may arise between States. and discussing subjects in which the states or the center and the states have common interests, and making recommendations on any subject, particularly for the better coordination of their policy and action on it. The Constitution does not provide for the executive role of the Interstate Council.

The Inter State Council can deal with legally and non-legally contentious issues, but its role is advisory rather than binding, unlike the court. The Zone Council may discuss and make recommendations on:

- any matter of common interest in the field of economic and social planning;
- any question relating to border disputes, linguistic minorities or interstate transport; and
- any matter relating to or arising out of the reorganization of States under the Act.

## Standing Committees of Inter State Council

The standing committee of the Inter State Council for the continuous consultation and processing of matters was set up in 1996 and consists of the following members:

- Union Home Minister as chairman,
- Five Cabinet-level Union Ministers
- Nine Chief Ministers

There is also an Inter State Council Secretariat which was set up in 1991 headed by the Secretary of the Government of India to assist the Inter State Council. It has also functioned as the secretariat of the Zonal Council since 2011.

## Inter State Council: Bodies

There are three bodies under Inter State Council, namely:

### The Zonal Council

It is a statutory body that works under the Inter State Council. Five zonal councils were established by the State Reorganization Act of 1956 to develop the habit of cooperative working.

- The Northern Zonal Council comprises Jammu, Kashmir, Himachal Pradesh, Haryana, Punjab, Rajasthan, Delhi, and Chandigarh.
- The Eastern Zonal Council comprises Bihar, Jharkhand, West Bengal, and Odisha
- The Western Zonal Council comprises Gujarat, Maharashtra, Goa, Dadar, and Nagar Haveli, and Daman and Diu
- The Southern Zonal Council comprises Andhra Pradesh, Karnataka, Tamilnadu, Kerala, and Puducherry.
- The North-Eastern Zonal Council comprises Assam, Arunachal Pradesh, Manipur, Mizoram, Nagaland, Meghalaya, Tripura, and Sikkim.

Every Zonal Council comprises the following members:

- Home Minister of a central government
- All state chief ministers in the zone
- Two other ministers from each state in the zone.
- The administrator of each UT in the zone

### Inter-State Trade and Commerce Council

Articles 301 to 307 of the Constitution deals with the trade, commerce, and intercourse within the territory of India. It is dealt with in the Part XIII of the Constitution.

### Inter-State Water Disputes

Article 262 provides that Parliament will decide on the jurisdiction of any dispute involving the use or control of water in an interstate river or interstate river valley. Parliament passed the River Board Act 1956 and the Inter-State Water Dispute Act 1956. The Inter-State Water Dispute Act empowers the

Centre to establish an Ad Hoc Tribunal, and the advice given by the tribunal shall be binding and final. The Inter-State Water Dispute Ad Hoc tribunals are:

- Krishna Tribunal
- Kaveri Tribunal
- Narmada Tribunal
- Godavari Tribunal

## Highlights of 11th Inter State Council Meeting

The eleventh Inter State Council meeting was held in 2016 under the chairmanship of the Prime Minister. The highlights of the meeting were:

- Consideration of the recommendation of the Punchhi Commission on Centre-State relations
- To provide subsidies, benefits, and public services, use the Aadhaar card and direct benefit transfer (DBT).
- Improving the quality of education with a focus on improving learning outcomes, incentivizing better performance, etc.
- Internal Security focuses on intelligence sharing and coordination for combating terrorism and insurgency. Police Reforms and Police Modernisation.

## Challenges of Inter State Council

The Inter State Council acts as a tool for cooperation, coordination, and the evolution of public policy. But, it does face challenges in its work. The associated challenges are:

- Although an Inter State Council was given in the constitution, it is just a recommendation body to investigate and discuss matters in which all states, some states, or the central government have a common interest. Their recommendation is not binding, like in the case of the courts.
- The Inter State Council was also condemned as not being a permanent constitutional body for coordinating between the center and the state government. Rather, when it appeared to the President that the public interest would be served by establishing the Inter State Council, he established it.

- The Inter State Council has also proposed that they meet a year thrice, but from 2006 to 2016, there was a decade gap in their meetings, and the eleventh meeting was held in 2016.

