THE BHAWANIPUR
EDUCATION SOCIETY COLLEGE

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ASSEMBLY OF NATIONS

ASSEMBLY OF NATIONS '25

LOK SABHA

Letter from the Executive Board

Greetings Parliamentarians!

It gives us immense pleasure to welcome you to the simulation of Loksabha at Bescaon 2025. This study guide is by no means the end of research, we would very much appreciate if the delegates are able to find new realms in the agenda and bring them forth in the committee. During the session, the executive board will encourage you to speak as much as possible, owing to the fact that fluency, diction or oratory skills have very little importance in contrast to the content you deliver. Just make sure you understand what you're speaking and present it with confidence. Also, we must remind you that as dignitaries, etiquette and decorum in the meeting is a sheer necessity. Quality research combined with good argumentation and a solid representation of facts is what constitutes an excellent performance. This sitting in the committee is not going to be an easy one, of this we assure you. The pressure of accusations and defence has never been easy to deal with. But, it is also not the sole purpose of the debate. Thankfully for all of us, with the above comes another assurance, that of a productive session. We are certain that the conference will prove to be a learning experience for both sides of the dais. In case of any queries feel free to contact us. We will try our best to answer your questions to the best of our abilities.

All the Best!

Centre-State Relations

The evolution of Centre-State Relations can be classified into 4 different phases, with the first phase beginning in 1950 for 17 years and finally culminating with the fourth phase beginning from 1989. The government of India had appointed the Sarkaria Commission in 1983 to reduce the conflicts between the Central Government and State Governments. This article throws light on the center-state relations soon after India attained Independence.

Centre – State Relations – First Phase 1950-67 (Domination by Centre)

The Party system is perhaps the most important intervening variable that significantly influences the working of a federal political system. This phase was marked by the domination of the Congress party both at the centre as well as in the states. The Congress party along with the charismatic leadership of Nehru further strengthened the centre. The issues in centre-state relations were resolved at the level of the party as its internal issue. The Planning Commission and the National Development Council (NDC), both created through executive resolutions, became Centre's instruments of domination over states. The Planning Commission was to look after social service-education, medicine, health, agriculture, cooperation, social welfare, and industrial housing which were all state subjects. The NDC was seen as an experiment on the cooperative federation. But in one of its meetings, the states surrendered to the centre their sales tax on textile, sugar, and tobacco. This period also saw the misuse of Article 356 against the Communist government in Kerala in 1959.

Nehru took democracy seriously enough, which was reflected in his monthly letters to state chief ministers in which he informed them of the state of the nation and solicited their opinion in an attempt to build national consensus. The Indian National Congress institutionalized the principle of consultation, accommodation, and consensus through a delicate balancing of the factions within the 'Congress System'. It also practised co-optation of the local and regional leaders in the national power structure and the system of sending out Congress 'observers' from the centre to mediate between the warring factions in the provinces, thus simultaneously ensuring the legitimacy of the provincial power structure in running its affairs as well as the role of Central mediation.

Thus, the first phase of Indian Federalism was marked by central domination over the states which even ceded some of their powers to the centre.

The Zonal Councils were created under the States Reorganization Act as advisory bodies to foster cooperative federalism in evolving uniform policies in socio-economic matters. However, they were formed within the system of central domination over the states.

Centre – State Relations – The Second Phase (1967-77) – 42nd Amendment to Constitution

The fourth general election was an important event in the federal dynamics of the country, which drastically reduced the overwhelming majority of the Congress party to a simple majority at the centre while it lost nearly half of the Indian states to the opposition or coalitions. It led to a radical change in the nature of centre-state relations. This phase saw the emergence of assertion on the part of states and the centre reacting to such assertions by demonstrating its effective power. The Congress party attempted to regain political power by engineering defections and all other means at its disposal including Article 356. The Rajasthan case was a classic example where the Governor recommended the imposition of president's rule to prevent government formation by the coalition of opposition parties. The Assembly was suspended. Meanwhile, the Congress party engineered defections and finally formed the government.

During the period 1967-71, the Union-state conflict was at its peak. The Union government refused to accept assertions of rights by the non-Congress state governments. But the most important factor during this period was the emergence of regional forces to fill up the vacuum created by the weakening of the Congress party. Mrs. Gandhi used Congress dominance to make the centre stronger and the controversial 42nd Amendment to the constitution made centre more powerful at the expense of the states. This centralization process culminated in the infamous Emergency of 1975-77.

Centre – State Relations – The Third Phase (1977-89) – Sarkaria Commission

The 1977 election saw the Congress losing power at the centre for the first time since independence. It brought the Janata Party to power which believed in the decentralization of economic and political power. However, the first act of this government was the dismissal of nine state governments ruled by the Congress

on the specious argument that they had lost people's faith as reflected in their performance in the 10th Lok Sabha elections. It also scrapped Article 357(A) through the 44th Amendment Act which empowered the centre to deploy the army and paramilitary forces for dealing with any grave law and order situation in the states. Congress returned to power in the mid-term election in 1980 and it dismissed the Janta party governments in nine states using the same specious argument as its predecessor. In several states like Andhra Pradesh, Tamil Nadu, Karnataka, West Bengal, etc., the government was formed by the regional parties which demanded more autonomy. The Akali Dal in Punjab too supported these demands. The four southern states declared the formation of a regional council to buttress the demand for more autonomy. All this led to the appointment of the Sarkaria Commission to look into the centre-state relations.

1989 Onwards: The Era of Multi-Party System

The 1989 general election was a landmark in the history of Indian polity as it ushered in a new era of a multiparty system and initiated the process of greater federalization. With the defeat of the Congress party, this election ended one-party rule at the centre and marked the beginning of the coalition government at the centre. The regional parties became an integral part of the federal cabinet and started asserting themselves in a forceful manner at the centre. This process of greater federalization, for the convenience of study, can be divided into the Political federalization and Economic federalization.

Political Federalism

The advent of the multiparty system led to a qualitative change in the Indian polity which has continued ever since. Starting from 1989 elections, no single party has been able to get a clear majority at the centre, and coalition and minority governments at the centre have become a norm. The regional parties have become part and parcel of every coalition cabinet and, hence, have started playing a decisive role at the central level. Regional parties such as the DMK of Tamil Nadu or the RJD of Bihar have asserted their interests more openly over one and a half decades of the coalition and minority governments. This increased assertion on the part of the regional parties had forced even the BJP to temper its attitude while leading the NDA coalition government in 1999 when it had to drop its core agenda of Ram Mandir, Article 370, Uniform civil code, and Hindi as a national language in the common minimum programme and adhere

to the norms of centre-state relations established by its predecessor's governments.

This coalition era has led to greater sharing of powers at the central level by the regional leaders and they have a decisive say in policy matters and aligning national priorities with their regional interests. In the political process of the 1990s shows the internalization of the federal norms in the game plans of the local and regional leaders. Rather than taking a mechanical anti-Delhi stance, the new breed of ambitious, upwardly mobile leaders of India has learned to play by the rules even if they challenge them and thus have developed a new federal space in which the nation and region can coexist. The next step on the career ladder of these leaders in Delhi, which encourages them to place the region within the larger context of the nation. Eventually, as the members of the national coalitions of regional parties, they start striking the postures of national leaders, ready to bargain with and conciliate conflicting interests. The new groups of regional leaders are much more willing and able to listen to the minorities, to regions with historical grievances, to sections of society that entered post-independence politics with unsolved grievances. So far from being its antithesis, the region has emerged as a nursery of the nation. Thus, even with the decline of the Congress as the once-dominant party, the multiparty system that has replaced it has produced a similar institutionalized method of regional conflict resolution within a national framework.

However, this process has some flip side too. The federal cabinet has become different from the classical Westminster form based on the collective responsibility of the cabinet to the popular chamber of the legislature. It is marked by fragmentation and the dilution of the principle of collective responsibility. The constituent regional parties often controlled by regional satraps get their share in the cabinet in lieu of their support and they nominate their representatives in the cabinet. These cabinet nominees are remote-controlled by their party bosses and are responsible to them instead of the prime minister. So the PM has little say in the selection as well as the removal of his colleagues. It is not surprising that these ministers air their differences on policy matters openly, which should/be confined to the cabinet meetings. They pay heed to the wishes of their party bosses instead of adhering to cabinet dharma. This was seen recently when the Minister of State in the railways from the Trinamool Congress party in UPA~II refused to visit the railway accident site in Assam in June 2011 when he was asked to do so by PM Manmohan Singh who

was holding additional charge of Railways. In some cases, even the choice of the PM was decided by the regional leaders as seen in the appointment of H.D. Deve Gowda and LK. Gujarat in the United Front Government in 1996. Even the fate of the federal government was decided by the regional party bosses. The Vajpayee Government fell when J. Jayalalitha withdrew her support in 1999 and the UPA was rescued by the support extended by Mulayam Singh Yadava in 2008 when the Left Parties withdrew their support over the Indo-US nuclear deal.

With the decline of the Prime Ministerial power, the Presidential role has acquired some more elbow room, and recent Presidents have shown greater initiative and drive under coalition situations, particularly in the formation of the government and the dissolution of Lok Sabha in cases of uncertain majorities than in the past. Since the 1990s, the role of Rajya Sabha as a Federal Second Chamber has become more pronounced. The differential oppositional majority in the Rajya Sabha as distinct from that of the Lok Sabha is a reflection of the differential compositions of the state legislatures which constitute the electoral college of Rajya Sabha. It makes it imperative for the government to have an inter-house legislative understanding with the Rajya Sabha to facilitate passage of the legislation and the constitutional amendments**.**

Administrative relations

Articles 256 to 263 deal with administrative relations i.e. Central Government and various state governments. Though India is federal yet it has unitary features and thus in Article 256 itself, it is stated that the state governments should ensure that they abide by the laws made by Parliament and do not perform any executive or administrative function in contravention of the same. The Sarkaria Commission urged for cooperative federalism in case of administrative relations between the Centre and states to ensure better relations between the two. The same was important since there often arises the situation of different parties working at the Central and state levels which creates chaos and distrust thereby leading to inefficient administration.

Major Findings :

1) Centre-state relations can be trifurcated into legislative, administrative and financial.

2) These centre-state relations have given a boost to cooperative federalism in India.

3) In contemporary times, states are also included in the decision-making process which is healthy for the growth of the country.

4) Cooperative federalism has had a positive impact on good governance as well as on the country.

JUDICIAL PERSPECTIVE

These court rulings on the subject of institutional and human capacity in relations between the Centre-states regarding law and order are pertinent to the topic: ➢ In the State of West Bengal v. Kedar Nath Bajoria, the Supreme Court ruled that the limitations placed on the right to free speech and expression under Article 19(2) of the Constitution had to be justifiable and essential to safeguarding the State's interests. The case emphasizes the judiciary's function in upholding constitutional rights and guaranteeing that the security services and police adhere to the rule of law.

In the case of Mirzapur Moti Kureshi Kassab Jamat v. State of Gujarat15, the Supreme Court ruled that police investigations must be conducted in a fair, impartial, and professional manner and that excessive force by officers, including torture in detention, should not be tolerated. The case emphasizes the judiciary's function in upholding the rule of law and defending human rights in law enforcement and security operations.

A crucial issue that has an impact on federal structure and governance is law and order. The Union, State, and Concurrent List provisions of the Indian Constitution establish a federal system. According to the State List of the Constitution, state governments are primarily responsible for preserving law and order. Internal security issues like terrorism, insurgency, intergroup conflict, and other organized crime significantly impact relations between the Centre and the State regarding law and order. In order to address these issues with internal security, the federal and State governments must collaborate. Institutional and human capacity are crucial in law and order, and there is a need for improved coordination and cooperation between central and State agencies. This research paper has made clear the need for a deeper understanding of the function of law and order in centre-state relations in India.

Inter-State River Water Disputes in India

In India, the resolution of water disputes between states is governed by the Inter-State Water Disputes Act of 1956. According to this law, if a state government has a water-related disagreement with another state, it can approach the Central Government to refer the matter to a tribunal. The decision of this tribunal is considered final.

Challenges in Resolving Inter-State Water Disputes

- ***Delayed Resolution:*** Prolonged proceedings and extended delays in resolving river water disputes contribute to inefficiencies. An illustrative example is the 11-year duration for the Godavari water dispute tribunal to reach a decision.
- ***Ambiguity:*** Article 262 prevents the Supreme Court from directly adjudicating inter-state river water disputes. However, Article 136 empowers the Supreme Court to hear appeals against tribunal decisions, leading to ambiguity in the execution of tribunal orders.
- ***Politicization of Disputes:*** Some political parties exploit inter-state water disputes as platforms to pursue political objectives, complicating the resolution process.
- ***Lack of Multidisciplinary Approach:*** Tribunals in India predominantly comprise judicial members, lacking input from specialists such as ecologists. This gap hampers the quality of orders and decisions.

Way Forward

- ***Enabling Cooperation:*** A fundamental shift is needed from the current conflict-centric approach towards a cooperative one. Deeper integration of states in deliberative processes and reinforcing cooperative federalism are essential.
- ***Basin Approach:*** Emphasis on ecological restoration, conservation of river ecosystems, balancing water supply and demand for human use, and adopting a regional approach for effective river water management.
- ***Multidisciplinary Approach:*** Institutional structures, such as Water Management Boards, should include experts from various disciplines, including environmentalists and geographers. This inclusion enhances the

efficacy of water boards in providing ecologically and environmentally friendly solutions.

- ***Water Policy:*** Parameters such as the extent of the river basin drainage area in each state, contribution of water to the river basin by each state, climate, dependent population in the river basin, and the extent of arid and semi-arid areas in each state should be integral components of the water policy. These parameters contribute to resolving water disputes on reasonable and equitable lines.

Water and Indian Federalism:

State governments dominate the allocation of river waters. Since rivers cross state boundaries, disputes are inevitable. The Inter-State Water Disputes Act of 1956 was legislated to deal with conflicts, and included provisions for the establishment of tribunals to adjudicate where direct negotiations have failed. However, states have sometimes refused to accept the decisions of tribunals. Therefore, arbitration is not binding. Significantly, the courts have also been ignored on occasion. Finally, the center has sometimes intervened directly as well, but in the most intractable cases, such as the sharing of the Ravi-Beas waters among Haryana, Jammu and Kashmir, Rajasthan, and Punjab, central intervention, too, has been unsuccessful. An unambiguous institutional mechanism for settling inter-state water disputes does not exist. On the other hand, water disputes are sometimes settled. Economic analysis is necessary to illuminate whether and how water disputes get resolved in India.

From a federal perspective, a key feature of India's Constitution is the existence of separate lists demarcating central (the Union List) and state responsibilities. This demarcation creates a broad framework of assignment of expenditure responsibilities, an essential feature of a federalist system. With respect to water, it has been extensively pointed out that water is in the State List of the Constitution (Entry 17), but that the entry there is qualified, "subject to the provisions of Entry 56 of List I" (the Union List). Essentially, Indian federalism, while marked by a relatively powerful center, has consistently involved coalition building to create such a center. This has meant a high level of explicit or implicit "horse-trading" among the center and states that are potentially key

elements of a central coalition. current Indian water-dispute settlement mechanisms are ambiguous and opaque. A cooperative bargaining framework suggests that water can be shared efficiently, with compensating transfers as necessary, if initial water rights are well-defined, and if institutions to facilitate and implement cooperative agreements are in place. Our analysis also emphasizes the role of complementary investments, and the need to expand the scope of bargaining to include these where feasible.

Discussion on the Policy Framework Governing Deep Seabed Mining Operations in India

The ocean floor represents one of the final frontiers of resource exploration. Deep seabed mining (DSM), the process of retrieving mineral-rich deposits from the seabed—especially in areas beyond national jurisdiction—has generated considerable interest across the globe. With the rising demand for strategic and rare earth minerals used in clean energy, electronics, and high-tech industries, countries like India have recognized the significance of DSM as a critical part of future resource security. As India moves toward building a sustainable blue economy, it is imperative to assess the evolving policy and legal framework that governs seabed mining operations, especially in light of India's international obligations and the environmental risks posed by such activities.

Understanding Deep Seabed Mining and Its Strategic Importance

Deep seabed mining involves the extraction of mineral resources from the deep ocean floor, particularly polymetallic nodules, polymetallic sulphides, and cobalt-rich ferromanganese crusts. These resources are typically found in the Clarion-Clipperton Zone in the Pacific Ocean and in the Central Indian Ocean Basin (CIOB), where India has a significant exploration presence. These minerals are vital for manufacturing batteries, renewable energy systems, and various high-end technologies. As terrestrial reserves of these materials deplete, seabed mining emerges as an alternative source of critical minerals essential to achieving energy transition and technological advancement.

For India, which imports a majority of its rare earth materials and strategic minerals, DSM holds economic and geopolitical importance. India is among the few countries globally recognized as a “Pioneer Investor” by the **International Seabed Authority (ISA)** under the framework of the **United Nations Convention on the Law of the Sea (UNCLOS), 1982**. In 2002, ISA allotted India an exclusive exploration area of 75,000 sq. km in the CIOB for prospecting polymetallic nodules. This milestone demonstrates India’s long-standing involvement in seabed mining, emphasizing the country’s intention to remain an active player in global ocean governance.

India's International Commitments and the Role of the ISA

The cornerstone of the global legal framework for seabed mining is **UNCLOS**, which India ratified in 1995. Part XI of UNCLOS governs the Area (i.e., the seabed and ocean floor beyond the jurisdiction of any state), declaring it the "common heritage of mankind." Activities in the Area are overseen by the **International Seabed Authority (ISA)**, which regulates the granting of exploration and exploitation rights and the equitable sharing of benefits derived from such mining.

As a member of ISA, India must comply with its regulatory requirements, including submitting periodic progress reports, environmental impact assessments (EIAs), and ensuring that exploration and future commercial exploitation are conducted sustainably. Furthermore, the **1994 Agreement Relating to the Implementation of Part XI of UNCLOS** clarified concerns of industrialized nations and set the stage for private and state entities to participate in mining activities under ISA supervision.

However, ISA has yet to finalize the "Mining Code," a comprehensive set of rules governing commercial exploitation in the Area. While the exploration regulations are already in place, rules on exploitation remain in the draft stage. India must therefore shape its national policy in anticipation of these global standards, ensuring that domestic entities are prepared to participate once exploitation is permitted.

Domestic Legal and Policy Framework: Fragmented but Evolving

India currently lacks a single, consolidated legislation to regulate seabed mining either within its Exclusive Economic Zone (EEZ) or in the high seas under ISA jurisdiction. Instead, the policy landscape is fragmented, relying on existing general laws for ocean and mineral governance:

1. **Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976**: This Act defines India's maritime zones and grants the central government authority over natural resources in the EEZ and continental shelf. While it provides the jurisdictional basis for ocean resource activities, it lacks substantive regulatory guidelines specific to seabed mining.

2. **The Mines and Minerals (Development and Regulation) Act, 1957**: This Act governs the mining sector on land but does not expressly apply to marine mining. However, it serves as a reference point for defining state and central responsibilities, licensing, and mineral regulation—principles that could be adapted for DSM.
3. **Environmental Impact Assessment Notification, 2006**, under the **Environment (Protection) Act, 1986**, prescribes environmental clearance procedures for activities likely to impact ecosystems. Any future DSM activity would likely be subjected to similar scrutiny, especially considering the fragility of deep-sea ecosystems.
4. **The Draft Blue Economy Policy, 2021**: This policy document recognizes deep seabed mining as a strategic component of India's maritime future. It calls for the sustainable use of marine resources and the establishment of mechanisms for research, capacity building, and private sector involvement.
5. **Deep Ocean Mission (DOM)**: Launched by the Ministry of Earth Sciences, DOM is a flagship initiative aimed at exploring deep ocean resources, including development of submersibles, seabed mining tools, and underwater robotics. The mission encompasses scientific, technological, and regulatory components of DSM and may serve as a precursor to a formal legislative framework.

Regulatory Challenges and Legal Gaps

India's policy framework for seabed mining remains underdeveloped in several key respects. First, there is **no standalone law** that comprehensively governs activities in the deep sea, either within national maritime zones or in the Area under ISA authority. Second, **environmental regulations specific to seabed ecosystems** are missing, even as studies increasingly point to the irreversible ecological damage that seabed mining could cause to marine biodiversity.

Third, the current legal framework offers **no guidance on benefit-sharing**, equitable use of marine resources, or indigenous and intergenerational rights—key obligations under international law. There is also an **absence of legal mechanisms for dispute resolution, liability allocation, and monitoring of contractors** in the event of damage to the marine environment or violations of international obligations.

Moreover, **public consultation and transparency mechanisms**—integral to any environmental governance process—are largely missing in the policy discourse surrounding deep seabed mining. Given India's increasing emphasis on sustainable development and international leadership on climate policy, this gap could undermine its credibility on the global stage.

Need for a Comprehensive Legal Regime

To ensure lawful, equitable, and environmentally sound seabed mining, India must enact a **Deep Seabed Mining Act** that addresses both commercial and environmental dimensions of DSM. Such a law should:

- Define institutional roles for the Ministry of Earth Sciences, NIOT, and other agencies.
- Lay down procedures for licensing, monitoring, and enforcement.
- Establish environmental safeguards, including mandatory EIAs and biodiversity impact assessments.
- Create an independent regulatory body to oversee compliance.
- Ensure public participation and transparency in project approvals.
- Align with ISA's Mining Code and UNCLOS obligations.
- Incorporate dispute resolution and penalty mechanisms for violations.

In parallel, India must **invest in scientific research, marine taxonomy, and deep-sea impact studies**, which are essential to establish baseline data for EIAs. Creating a **national seabed mining policy** with clear ethical and sustainability parameters would also help in guiding public and private sector investments.

Conclusion

India stands at a pivotal juncture in its approach to deep seabed mining. While it has the institutional expertise and international recognition necessary to lead in this domain, its policy and legal frameworks must evolve swiftly to match technological ambitions with environmental and constitutional imperatives. The emergence of the **Deep Ocean Mission**, engagement with **ISA**, and increasing attention to blue economy principles indicate progress—but the journey ahead requires a robust legal framework grounded in precaution, transparency, and intergenerational equity. As the international community edges closer to

permitting commercial seabed mining, India must position itself not only as a resource developer but also as a responsible ocean steward.