



Punchhi Commission's Report

Prelims: Punchhi Commission's Report, CJI, Inter-State Council's (ISC) Standing Committee, Centre State Relationship.

Mains: Punchhi Commission's Recommendations on Centre State Relationship.

Why in News?

The Union Ministry of Home Affairs (MHA) has decided to start the process of seeking the states' comments on the [Punchhi Commission's report](#) on Centre-state relations.

What is the Punchhi Commission?

- The Punchhi Commission was constituted by the Union Government in April 2007 under the chairmanship of former [Chief Justice of India \(CJI\) Madan Mohan Punchhi](#).
- The Commission examined and reviewed **how the existing arrangements between the Union and States were functioning**, as well as various court rulings regarding the powers, duties, and responsibilities in all areas, including legislative relations, administrative relations, the role of governors, emergency provisions and others.
- The Commission **presented its seven-volume report to the government in March 2010**.
- The **Inter-State Council's (ISC) Standing Committee** considered the suggestions of the Punchhi panel at its meetings in April 2017, November 2017, and May 2018.

What are the Key Recommendations of Punchhi Commission?

- **National Integration Council:**
 - It recommended the **creation of a superseding structure for matters relating to internal security** (like the Homeland Security Department in the United States). This structure could be known as the **'National Integration Council'**.
- **Amendment to Article 355 and Article 356:**
 - It advised that Article 355 and Article 356 of the Constitution should be amended.
 - **Article 355 talks about the duty of the Centre to protect the state against any external aggression** and Article 356 talks about the **implementation of President's rule** in case of failure of the machinery of the state.
 - The recommendation seeks to protect **States' interest by curbing the centre's misuse of powers**.
- **Subjects in the Concurrent List:**
 - The Commission recommended that the States should be consulted through the inter-state council before **bills are introduced on matters that fall in the [concurrent list](#)**.
 - A concurrent list is one of the three lists; in this, the matters on which both State and Centre governments **can formulate laws are mentioned**.
- **Appointment and Removal of Governors:**
 - The Governor should stay away from active politics (even at a local level) for at least two years prior to his appointment.

- There should be a say of the state's Chief minister **while making the Governor's appointment.**
- A **committee should be formed** that is entrusted with the task of appointment of governors. This committee may comprise the **Prime Minister, the Home Minister, the Lok Sabha's speaker** and the concerned **Chief Minister of the State.**
- The term of appointment should be five years.
- Governor could only be **removed via a resolution by the State Legislature.**
- **Union's Power of Making Treaties:**
 - The treaty-making power of the union **should be regulated with respect to treaties formulated** in concern with the matters present in the State list.
 - This way, the states will get more representation in their internal affairs.
 - The Commission identified that the states need to be more involved in such kinds of treaties that are formulated in reference to their issues. This will ensure a peaceful co-existence between the different levels of the government.
- **Appointment of Chief Ministers:**
 - Clear guidelines should be made with regard to the appointment of chief ministers so that the **governor's discretionary powers are limited** in this aspect.
 - A pre-poll alliance is to be considered **as a single political party.**
 - The order of precedence while the State government is being formed should be the following:
 - The group/alliance with the largest pre-poll alliance with the highest number.
 - The single largest party with support from others.
 - The post-poll alliance with a few parties joining the government.
 - The post-poll alliance with a few parties joining the government and remaining including independents giving outside support.

Source: IE

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