

FOREIGN RELATIONS IN THE INDIAN FEDERAL SYSTEM

Rekha Saxena*

Abstract

The paper explores the changing nature of federalism by emphasizing the interaction of constituent units in India with foreign governments at all levels. The New Economic Reforms have involved bureaucratic deregulation, economic liberalisation and globalisation which have led the Central government to sign international treaties with nominal (or, in some cases, with no) consultation with the states. The problem arises when there is a conflict of interest between the union and the states. The paper dissects the constitutional demarcation of jurisdictions between the federal government and its constituent units with respect to the conduct of foreign relations. The paper examines the role constituent units have played in the negotiation and signing of international treaties and conducting foreign relations.

Keywords: Union and States, jurisdictions, consultation, federalism, international treaties

In federal systems, constituent units are increasingly contacting foreign governments at all levels. Since the 1990s, facilitated by the shift of the party system from one-party dominance to a multi-party configuration (along with the economic policy reforms of 1991, privatisation, globalisation, and liberalisation), India has been moving towards greater federalisation of the polity. The 1991 Economic Reforms have led the Union government to sign international treaties with nominal (or, in some cases, with no) consultation being made with the states. A subsequent problem arises when there is a conflict of interest between the union and the states. Therefore, I am trying to dissect the constitutional demarcation of jurisdictions between the federal government and its constituent units with

* Department of Political Science, University of Delhi, Delhi

respect to the conduct of foreign relations. Moreover, this paper examines the extent to which foreign affairs have been regularised by formal and/or informal agreements and practices. Further, I also study constituent units—specifically, the role they have played in the operation and arbitration of international treaties. Finally, I investigate the management of international activities, along with the degree to which foreign relations of the constituent units in the Indian federal system are cooperative or competitive or both.

Federalism is primarily grounded on territoriality and the division of sovereignty between federal and state governments. However, with regards to foreign policy, state behaviour is classically directed by realist theory in international relations, in the sense that even though states experience internal division, they would preferably externally project a united view of sovereignty. Despite this, constituent units belonging to a federation may have certain international interests that are precise to some units but not to all.

John Kincaid has proposed that what he refers to as ‘constituent diplomacy’ can be used to denote relationships between organisations beyond the boundaries of the nation or the federal state and sub-national political units (states/provinces/cantons/lander) (Kincaid, 1990: 55-76). Rob Jenkins further discovers the trends that are presently seen in Indian federalism. But, both Kincaid and Jenkins argue that, to this day, India is not a clear example of a constituent diplomacy (in the sense described by Kincaid above). This is due to Indian states being considerably less independent in the area of foreign policy compared to classical instances of constituent diplomacy. For instance, state governments held little to no influence during India’s multilateral talks regarding agricultural trade at the WHO and other forums (as discussed in detail below). Nevertheless, some new propensities are relatively apparent. Rob Jenkins observes: ‘During the 1990s (and into the new millennium), several of India’s state governments conducted negotiations and concluded agreements with international economic institutions such as the Asian Development Bank and the International Labour Organisation. Some bilateral aid agencies, like the United Kingdom’s Department for International Development, have begun to focus much of their efforts directly on state governments as well.’ (Jenkins, 2003: 71).

The Comparative Experience

In a unitary state, the domain of foreign policy is largely trouble-free due to the fact that most policy and powers are steered at a national

level. However, for federal countries, there is a set of constitutional responsibilities and powers regarding foreign policy management which are divided between the federal government and the various states/provinces/cantons *lander*. One must note, though, that the role of the federal government in foreign policy has always been pivotal, which has aided in the presentation of a common outlook in federal countries. The constitutional obligation is one of the best ways to comprehend involvement in foreign relations from the constituent unit. There is a significant distinction between the powers that are specified in the varying constitutions of different federal countries. Australia and Canada are prominent due to their court rulings and constitutional conventions, which lend plenty of time and space to constitutional units in the area of foreign relations. In contrast, federal countries like India, South Africa, and Malaysia all have constitutions that unequivocally designate absolute power over foreign relations to the federal government. There is, however, another set of federal countries that have constitutions which specifically allocate power over foreign relations to federal units: Belgium, Switzerland, Argentina and Germany.

This treaty-making power holds great implication in terms of developing a more nuanced understanding of the power over this domain being assigned to a certain level of government. It should be commonly understood and acknowledged that the responsibility of implementing the agreement itself falls with the constituent units on the ground, even in countries where the constitution heavily favours the federal government regarding the treaty-making power. So, it is incumbent upon the Centre to take the interests of the constituent units into account; if these interests fail to receive proper consideration, it may result in the constituent units becoming unhelpful and subsequently endangering the entire agreement pledged by the federal government to its associates internationally. In this regard, there are various forms of management of relations between the two tiers of government in different federations. In Australia, although judicial elucidations have lent irresistible powers to the Commonwealth in the matter of treaty implementation, democratic powers have thoroughly ensured institutional discussion mechanisms between the constituent units and the Commonwealth so as to avoid any arbitrariness and thereby threatening the federal spirit. The Swiss, Belgian, and German constitutions have reinforced the consultation mechanism through the clear provisioning of aforesaid power by the constitutions. This evades any unilateral decisions being made by the federal government and takes the

perspectives of the units into account while decisions regarding any issue that concern the units are being made. Canada has additionally developed informal institutions for consultative purposes which have, over the years, developed into highly institutionalised structures. Likewise, South Africa, Argentina, and India are all working towards the development of more consultative procedures as globalisation steadily increases their engagement in foreign matters (Michelmann, 2007: 3-4).

In contemporary cases where treaty-making powers are not specifically granted, constituent units usually sign multiple agreements which, technically, do not legally fall within the dominions of treaty. These agreements might be described as cooperation in areas of economics, culture, commerce, etc. (*ibid.*: 5).

The Context

In India, treaty-making is an executive power, resembling other Westminster-inspired parliamentary federations like Australia and Canada. This can be attributed to these systems emerging from the tradition of cabinet-managed parliamentary governments which, in turn, also control union-state relations. In the American presidential federation, treaty-making is shared between the legislative (i.e. Senate) and executive branches, treaties are signed by the President but post facto approval of the Senate is required for the implementation of treaties; for instance, the Treaty of Versailles, which was a result of the Paris Peace Conference, did not receive Senate sanction and the US was consequently unable to join the League of Nations, even though it was the brain child of President Woodrow Wilson himself. However, both in theory and in practice, the President has a certain level of maneuverability around Congress: for one, Article 2 of the Constitution grants all executive powers to the President, so the executive consequently acquires additional residual powers, especially in foreign affairs. Also, in practice, an important distinction between treaties and executive agreements has developed, as the latter are not subject to Senatorial approval.

The Constitutional Arrangement: Who Has Monitoring Power?

The Constituent Assembly debates in India as well as the Constitutional text indicates that the drafters of the Constitution were convinced by the idea that treaty-making powers, along with external affairs in general, should wholly be the Union's domain (and primarily an

executive concern). Seemingly, nationalist sentiment and colonial practice had rendered them unmindful of the inevitability that the subject would become federally complex at a certain point.

Furthermore, they failed to consider the possibility that states and regions would want to participate and be consulted during the treaty-making process. This was seemingly authenticated by K.M. Munshi's (Bombay: General) remarks who commented on the nature of the Union executive in the draft Constitution. He wholly advocated for the British model over the American model. But he did oversee the variation between the two models, particularly with respect to treaty-making power: the UK has a unitary executive type of treaty-making, while treaty-making power is shared between the federal second chamber (i.e. the Senate) and the executive in the American Model (CAD, 1948).

Article 51 of the Constitution of India stipulates that 'the state shall endeavour to (a) promote international peace and security; (b) maintain just and honorable relations between nations; (c) foster respect for international law and treaty obligations in the dealing of organised people with one another; and (d) encourage settlement of international disputes by arbitration.' This article at hand provides for the possibility of increased participation by states in the implementation of treaty-making by the union. Obviously the term 'state' is used here in the generic sense rather than in the sense of a federating or constituent state of the union (Singh and Saxena, 2013).

The Constitution does not allow subnational governments (SNGs) to directly interact with foreign authorities. In Article 246 in the Seventh Schedule under the Union List, entries numbers 10 (foreign affairs), 11 (diplomatic representation), 12 (United Nations Organisation), 13 (international conferences), 14 (war and peace) and 41 (international trade) give exclusive power to the union Parliament in this area. (Jain, 2003, pp. 564-65).

The Problem

One must also note that the union's executive power extends 'to the exercise of such rights, authority and jurisdiction as are exercisable by the government of India by virtue of any treaty or agreement' (Article 73(b)) (*Ibid.*: 214).

Thus, the treaty-making power is classified as an executive action to be implemented by the Indian government on the Parliament's behalf. The executive power of the union (which is in effect primarily

when it holds a strong partisan majority in Parliament) is reinforced by Article 253, which awards Parliament the overruling power to lend weight and significance to international contracts. According to Article 253, 'Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body'. Therefore, the Centre's treaty-making power surpasses commonly recognized federal-state jurisdictional demarcations (*Ibid.*: 565).

Under Article 253 of the Constitution, treaty-making in India is classified as an executive power of the union executive. Also, in exercise, there is no systematic consultative process in place to facilitate a dialogue between the Centre and the states prior to the treaty-making process. In respect to Indian participation in international conferences, the Centre alone is permitted to send delegates (which states can join, but only as a matter of courtesy). This inconsistent adhocism is a definite contributor to tension between the two levels; states are, nonetheless, increasingly gaining autonomy due to the growing federalization of the political system (along with globalisation and business liberalism).

With the emergence of liberalisation, the Rudolphs see the rise of a 'new federal market economy' in India with a division of sovereignty between the union and state governments, a division in which states are taking a greater economic accountability for generation of resources and inviting foreign capital for investment in order to ensure development. The use of the term "federal market economy" is intended to draw attention to the fact that this new economy gives rise, not only to market decentralisation, but also to new arrangements of shared sovereignty between the Centre and the states in terms of making financial and economic decisions. This enlarged division of sovereignty shifts the Indian federal system well beyond the economic provisions of its formal Constitution. It has become very apparent in the last decade that for economic liberalisation to prevail, state governments (and their Chief Ministers) must ease the restrictions that are holding back widespread and prevalent economic growth. Is it possible for the governments to discuss a pathway that evades giving in to populist pressures and yet efficiently answer the inequalities stemming from market solutions? (Rudolph and Rudolph, 2000: 1542). Singh and Saxena claim that 'the more the state-governments become partners in economic and financial decision-making both in the domestic

and external arenas (particularly in trade or commercial treaties), the more effective is likely to be their response to the challenge(s) referred to by the Rudolphs' (Singh and Saxena, 2013). The new market economy not only brings about market decentralisation, but a form of shared sovereignty between the Centre and the states for the reasons of economic and financial decision-making. This is also due to states having substantial risks in commercial trade treaties that are decided by the Centre: the states must live with the effects of such treaties.

In India, the treaty-making power encompasses any and all agreements with foreign nations. Theoretically, no treaty is fully legally operative unless it has been merged into domestic law through official legislation; but, in practice, self-fulfilling multilateral treaties, like the WTO agreements, have altered Indian governance. The three states (Odisha, Tamil Nadu, and Rajasthan) had filed cases in the Supreme Court to question the union's right to enter treaties without consultation with (if not the consent of) Indian states; however, the cases were not followed any further.

The seeping effect of globalization on domestic issues is increasingly concealing the difference between domestic politics and foreign policy. The concern around the federal control by means of this executive power remains, particularly in a current global setting where so much of significance is designated through multilateral treaties. The matter became vital in the course of the signing of an Indo-US civilian nuclear deal when the Communist parties in the Congress-led United Progressive Alliance (UPA) coalition were compelling the government by threatening to withdraw their support if the deal went on without parliamentary opinion; they eventually did do this but the government survived due to the impromptu support from the Samajwadi Party.

The role of the Parliament is when actual legislation is necessary for the implementation of a treaty; however, if a matter is presented as a *fait accompli*, the maneuverability of Parliament is considerably decreased, however, in a coalition government, the allies can pressure the government as the left did during the UPA coalition (and consequently caused a two-and-a-half- year delay in the deal-making process).

The Legal Position in India

There is an academic debate around whether or not treaties agreed upon by the union executive should undergo ratification

by Parliament; also, if the Supreme Court is obligated to gauge their compliance with the judicial doctrine of unamendability of the 'basic structure of the Constitution' (Iyer, 2003: 13). Dhavan opines: 'Under the scheme of the Constitution, it is Parliament that needs to legislate on the manner and extent to which the union may participate in international conferences, associations and other bodies, enter into treaties and agreements and implement whatever decisions are made at these meetings through these instruments. ...There is nothing to prevent Parliament from passing legislation which will place treaty negotiations within a framework of democratic accountability of India' (Dhavan, 1996: 50). Similarly, Justice Krishna Iyer argued, 'So it is fair to implant parliamentary ratification as a condition precedent to validation of a treaty negotiated, even signed by a minister or head of the state' Iyer, 2003: 14).

Additionally, Singh and Saxena (2013) claim that this form of democratic accountability should be expanded for the purposes of developing federal accountability, and that the Centre should consult state governments before the conclusion of international agreements and treaties that might potentially and adversely affect the interests of the states.

The legal and constitutional position of the treaty-making power has been expounded in multiple court judgements. For instance, in the Ran of Kutch boundary dispute, *Meghbhai Ishwarbhai vs. Union of India* 1969 and *P B Samant vs. Union of India* 1994, the Supreme Court re-emphasised the fact that the treaty-making power is wholly under union executive's jurisdiction.

Furthermore, the Supreme Court has also explained that the Parliament has the uncontrolled and absolute power to write a law for the purposes of treaty implementation, even if the pertinent matter falls fully within state jurisdiction (e.g. treaty-making power). However, if a treaty has an impact on fundamental rights, parliamentary legislation (along with a constitutional amendment) is required, with some exemptions like the 1997 *Vishakha's* judgement of the Supreme Court.

Rajeev Dhavan (1996) claims that if the Indian government validating an international treaty leads to an exponential increase in the prices of relatively cheap medicines in India, it may be argued that due to the states having a constitutional responsibility to safeguard their citizens' right to life—which, concurring to a court ruling, incorporates the right to life of the immunocompromised — that specific international treaty is a clear abuse of fundamental rights and should be treated as invalid. Furthermore, in the Rudolphs'

(2000) opinion, states should have an influence in the treaty-making of the union that is proportional to their steadily increasing liability in the growing 'federal market economy'.

Rudolphs (2000) and Dhavan (1996) make their opinions on the grounds of the normative federal principle, whereas Rob Jenkins (2003) and John Kincaid (1990) assume a more constitutional-legal position. The latter contend that the states' role in constituent diplomacy is lacking, especially compared to Canadian provinces where both Quebec and the Canadian High Commission maintain their attendance in foreign capitals. There are Québécois representative offices (managed by a separate international relations ministry) in 25 countries. It is worth noting that Jenkins and Kincaid are both uncertain as to how long this trend will continue due to it being more of a practice instead of traditional convention. However, I differ from them since the process of federalisation, especially in a contemporary context, looks to be irreversible. There may be an established up-and-down, but the Centre cannot take one-sided action on issues related to foreign policy.

Furthermore, many states are now in straight diplomacy with international organisations and financial groups like UNICEF, the WTO, the Asian Development Bank, the World Bank, etc. The government of Andhra Pradesh has a distinct WTO cell designated with the responsibility of dealing with WTO issues. In Odisha, Biju Janata Dal (BJD) Chief Minister Navin Patnaik invited Korean multinational POSCO, along with Vedanta, to invest in the state. Also, South India has become the core of software development in India and, consequently, a principal point for direct investment from foreign sources. Consequently, top state officials often take the initiative of traveling abroad in order to hold talks together. In the altered scenario, the federal government must take the policy inclinations of these states into account while working on foreign economic policies.

'Constituent Diplomacy' in Foreign Economic Relations

Forces of regional integration, according to Mattoo and Jacob (2007) have additionally formed some space for constituent units to show important roles in foreign policy. For instance, West Bengal buttressed the BIMESTEC (i.e. Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation) enterprise that links South East Asia to South Asia and aims to develop a Bay of Bengal economic community; this could potentially transform

Kolkata into a vital Centre for commerce and trade (like in the early 20th century).

The Nathu La Pass, which is traditionally the trade link between China and Sikkim, was only able to become a reality due to pressures from the Sikkim government. The then Chief Minister of Sikkim, Pawan Chamling, established a study group which toughly advocated for the opening of the route. Even though Mattoo and Jacob (2007) admit the fact that the State basically has no constitutional jurisdiction over foreign relations, reality demonstrates otherwise. They acknowledge that since 1990s, there has been an ultimate decline in the Central power over foreign policy. They have given four major explanations for this change. First, they point out the somewhat special status the state of Jammu and Kashmir retains, something that has resulted in State leadership having a relatively more prominent voice in the area of India's foreign policy regarding Pakistan. To demonstrate, they provide the resumption of Srinagar-Muzaffarabad bus service as an example of this assertion. A prominent role in the resumption of the bus service was played by Mufti Sayeed between the different sides of Kashmir. The immense weight of his influence can also be observed in the excess of confidence-building processes between India. They also note the unparalleled collaboration between New Delhi and Islamabad following the devastating 2005 earthquake in Jammu and Kashmir as being of a similar nature. Secondly, they acknowledge the political clout of a leader as being a pivotal factor in the implementation of foreign policy. They validate this by discussing how Amrinder Singh, Congress Chief Minister of Punjab, reached out to Pakistan on the grounds of *Punjabiya*, a shared cultural tradition. They even look to history in order to authenticate this argument that Sheikh Abdullah went to Pakistan as Nehru's emissary in 1964, where it was believed he had worked out a solution between India and Pakistan with Ayub Khan, the then Prime Minister of Pakistan. Nevertheless, it did not come to fruition as Nehru passed away while Abdullah was still in Pakistan. It is also believed that Tamil Nadu's political big shots have had great impact on New Delhi's policy concerning Sri Lanka. Thirdly, the era of coalition politics has been vital in terms of ensuring partner states and their leaders have sufficient space to speak at the federal level in the area of foreign policy. Finally, they note that rapid globalization has unfastened new opportunities that are likely to offer a larger role for the constituent units in the future. Foreign economic policy-making is the area that has been most touched by the forces of globalisation. There have been many

precedents of international multilateral financial establishments discussing directly with state governments in India. Also multiple independent discussions are taking place between state governments and agencies like the Asian development Bank, UNICEF, UNDP, the World Bank, etc. In this era of demonstrating their destination to be the best as to attract Foreign Direct Investment, state heads often embark upon several foreign visits to negotiate independently. As aforementioned, Southern states in India have developed into an IT hub over the years. These state governments must structure their foreign economic policy while keeping in mind, the gradually emergent IT sectors (Mattoo and Jacob 2007).

Sushma Swaraj, former External Affairs Minister held a meeting with the Chief Ministers of North-Eastern states in May of 2018. The purpose of the meeting was to improve ties with ASEAN (Association of South-East Asian Nations); although it was an independent initiative of the Union to boost the ties with the North-Eastern states through consultation. This step stressed the significant role that state governments play in India's decision-making in foreign policy. The central government proved that it believes the North-East region to be a gateway to beneficial ASEAN relations. The uniqueness of the Northeast in Indo-ASEAN ties was soundly established: the pertinent northeast region has since become an active participant in Modi Government's 'Act East Policy', a chief policy drive to improve ties with South East Asia, along with East Asia (Bhattacharjee, 2018).

Even in the border states, there is an expectation that the federal government will facilitate their involvement in important negotiations and dialogue, especially as they share tradition and culture. For example, West Bengal in relation to Bangladesh, Bihar in the case of Nepal, Indian Punjab vis-à-vis Pakistani Punjab, Jammu & Kashmir vis-a-vis Pakistan, Tamil Nadu in relation to Sri Lanka.

The excessive release of water from Nepal has been deeply unfortunate for Bihar (which shares its northern border with Nepal). Nepal is a mountainous country, and in times of heavy rain it gets flooded and causes overspill in all the major rivers in north Bihar, including Gandak, Bagmati, Kamla Balan, Kosi and Narayani. The flooding has reached an extent that it results in vast devastations. Bihar has repeatedly experienced such floods in 2008, 2011, 2013, 2015, 2017, and 2019 due to the overflowing and nonstop rains in Nepal.

Several platforms have been formed, like the Nepal-India Joint Committee on Inundation and Flood Management, the Nepal-India Joint Committee on Water Resources, the Water and Energy

Commission Secretariat (WECS) etc. The Bihar Government has always demanded a solution with the Government of Nepal, with Bihar being a vital partner. Specialists claim that a significant number of deaths might have been avoided during these floods if the communication gap between India and Nepal was lessened. However, in order to further any such design to mitigate nature's rage, Bihar must first assume the central of any decision or treaty (Sangomla, 2019).

An uninhabited islet in the Palk Strait called Katchatheevu is at the Centre of an enduring quarrel between the fishermen of Sri Lanka and Tamil Nadu. Sri Lanka gained control of the territory in the 1974 Indo-Srilanka Maritime Agreement made by PM Indira Gandhi. M. Karunanidhi, the Chief Minister of Tamil Nadu at the time, had opposed this decision and prompted the PM that the land at hand actually belonged to Ramnad's *Zamindari*. During an emergency in 1975, when the government of Tamil Nadu was dismissed, India and Sri Lanka moved to another agreement between themselves in order to govern the boundary in the Gulf of Mannar and Bay of Bengal; as part of this agreement, they also limited fishermen in each country from fishing in the other's waters. Though the actual territory had been ceded to Sri Lanka the Indian fishermen enjoyed fishing rights and steadily dried their fishing nets using the island. A resolution was adopted by the Tamil Nadu Assembly in 1991 to demand the retrieval of Katchatheevu. In 2008, the Supreme Court was moved by Jayalalithaa in order to nullify the Katchatheevu agreements made in 1974 and 1976. Every February, the people of Tamil Nadu (especially thousands of devotees from Rameshwaram) go on Katchatheevu Island to visit the 110-year-old St Anthony's Church, built by Srinivasa Padaiyachi, a Tamil Catholic from Tamil Nadu. Although the Indian state has indeed replied to the Madras High Court in a PIL and accepted Sri Lankan sovereignty on Kachatheevu (along with Indian fishermen having no legal/constitutional right to fish in Sri Lankan sovereign waters), the issue remains unresolved, while Tamil Nadu considers itself to be a participant of this issue due to legacy, culture, and history (Thangavelu, 2016).

The Teesta water agreement is a significant instance of the constituent units being major sponsors in the treaty-making process with a foreign nation. The pertinent treaty was scheduled to be inked between the two countries on September 6, 2011, during Manmohan Singh's (the former Indian PM) visit to Dhaka. However, the deal eventually fell through due to repeated opposition from the then Chief Minister of West Bengal, Mamata Banerjee. In 2015, this issue

reappeared during PM Modi's visit to Dhaka. Prime Minister Modi had promised a quick resolution to the issue to Shiekh Hasina of Bangladesh. India and Bangladesh share 54 streams, with the Teesta being a prominent one. Teesta is deemed to be a vital lifeline in at least six North Bengal districts. For this reason, Bangladesh has demanded an equitable distribution of Teesta, backed by the Ganga Water Treaty of 1996, which the CM of West Bengal rejects due to the likely endangerment of a considerable part of North Bengal because of a sizable reduction in the share of water. Mamata Banerjee, the West Bengal Chief Minister, has also stated that the Bangladeshi and Indian governments should also resolve the long-standing issue regarding sharing waters of the Atreyee river, which, in turn, is the lifeline of the South Dinajpur district. She has also stated that she has taken up the issue with the Indian PM, as well as the Bangladeshi PM, on her own. She has deemed it unfortunate that the Union has not shown the appropriate urgency and attention that this issue deserves while people in South Dinajpur continue to suffer from these water shortages. The issues surrounding water-sharing arrangement are likely to never be resolved between the two neighbouring states unilaterally, as the legitimisation/official completion of the deal requires cooperation from the state (Bagchi, 2017).

The Kartarpur Sahib Corridor, which connects the Sikh shrines of Gurdwara Darbar Sahib Kartarpur (in Punjab, Pakistan) and Dera Baba Nanak Sahib (located in Punjab, India), is an Indo-Pak issue; however, Punjab is a major investor in the pertinent issue. In the entire dialogue of Kashmir, the Hurriyat conference demanded the right be a party, and the Indian government accepted this in principle when Vajpayee was PM and Mufti Sayeed was the CM.

Conclusion

To conclude, it can be argued that while the federal government may have the formal constitutional power, neither the Centre nor states can wholly observe treaty obligations in concluding treaties unless there is a shared consensus at both levels of government. Rapid globalization has not had alike influence on all federations, and all federations have not responded to the forces of globalisation in the same or even similar manners. The scope of engagement of the constituent units in terms of foreign relations sees considerable variance across federal countries. Additionally, there is a significant amount of variation within these countries due to the constitutional setting in which they work. There is, however, a consensus now

regarding the issue of constituent units evolving as players—whether it be major or minor—on the international platform due to federalisation and globalisation.

Efficient collaboration between the union and states is an imperative, as effectual foreign relations have become progressively necessary in a highly interdependent and globalised world. There has been a gradual change in India, but there is still a need to work on developing an institutionalised consultation process as states slowly increase their stakes in foreign relations. Thus, treaty-making power must be federalised by the institutionalisation of the process of consultation, with input from units also being taken into account. In the long run, the parliamentarisation of this power is also desirable with regard to discussion on the floor of the house. This will be a virtuous exercise in deliberative federal governance (Saxena, 2007: 25-28).

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