

Federalism - Adjoining Past with Future India

Akash Chatterjee

Abstract: *The “land of unity in diversity” or so what India is termed as, is not merely an adage that has been repeated since a long time, it is the biggest truth of the nation, the realisation of which is up to the people who reside here and those who carry out the governance of the country as well. The land being home to this spectrum of multicultural diversity is a quintessence that is celebrated widely. The most astonishing aspect behind the evolution of the statehood is its manifestation in the present form- the unified characteristic despite the diverse component. With such a social fabric to be governed, the governing mechanism had to be apposite and hence federalism was incorporated into the political ideology of governance along with a strong central control at the same time. The uniqueness of Indian federalism lies not just in its structural or functional modifications but also in its relevance and practical importance in the circumstances governing the country. The present study delves into analysing such a relevance against this backdrop and also focuses on two case studies of recent connection to the topic of study.*

Keywords: Federalism Adjoining Political Indian Uniqueness

1. Hypothesis

Federalism is the ideology which adjoins the political diversity of India.

2. Historical Foundation

While discussing about the nature of federalism in India, special emphasis needs to be put in the way the statehood emerged in the first place and the system that had been prevailing on this land erstwhile. The land which has seen the evolution of a composite culture and the synthesis of diversity in every aspect of sociocultural life has always integrated cultural variations into its fabric, creating the much celebrated diversity today. The historical timeline of the political statehood of India has seen an intermittent power play at the central control level. While invaders have uprooted stable governments time and again, new administrative structures have never been able to consolidate their power centrism over the entire land of India. Great emperors like Chandragupta Maurya have dreamt of Pan Indian state in their political ideologies, but the regional diversities have always retained their own idiosyncrasy of refraining from this centralisation of power. Not only ideology but power and might have also failed in this consolidation when great rulers like Alauddin Khilji and Akbar had failed to exert control over the whole of the land they proposed to rule. With subsequent times, as central authority and central power of a ruling regime weakened, the British forces smoothed their presence in and started building the foundations of their colonial prowess. Within the colonial period, Regulating Act of 1773 aimed at concentrating control in a central authority, failed nevertheless. With subsequent constitutional reforms being introduced by the British, Government of India Act, 1935 seems noteworthy which formulated the system of Dyarchy that has evolved into the federalism the present Indian state preaches as its policy.

3. Constitutional Foundation

Constitution of India is one binding document that not only decides the nature of the state but also serves as that rule book which guards and structures it.

Prior to the formation of the Constituent Assembly, the Cabinet Mission Plan emphasized on a Central Government with very limited powers to be confined to foreign affairs, defence, and communication. In contrast, the Muslim League and the Indian National Congress did not agree to this. Despite this, the first report of the Constituent Assembly envisaged a weak centre upon the encouragement of Cripps and Cabinet Mission Plans. [1]

The framers of the Constitution were well aware of the importance and relevance of a federal structure in India and the need to refrain from making the centre an absolute concentration of powers. The following provisions are significant in the light of this discussion –

Article 1(1) states that *India, that is Bharat, shall be a Union of States [2]*

The phrase justifies how states are not simple administrative divisions of the centre, rather they are partners of the same. The states have come together or rather have conjoined their entities into formation of the wider and broader entity of the country. Each and every state has been recognised as bearing unique identities and their decision to join has also been recognised by the first article of the Constitution. This is sufficient evidence to highlight the fact that the principle of federalism is sacrosanct to the nature of the Indian polity.

Article 246 in The Constitution Of India 1949; [3]

Subject matter of laws made by Parliament and by the Legislatures of States

(1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the Union List)

(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the Concurrent List)

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included (in a State) notwithstanding that such matter is a matter enumerated in the State List

This has been included in the seventh schedule of the Constitution of India where the subjects of legislation of the state and centre has been clearly divided giving sufficient scope to their expression of autonomy, liberty to take decisions concerning them and at the same time making them truly, partners of administration. The coinage of this phrase “partners of administration” implies a twofold implication. Firstly it shows the importance of federalism in determining the political stance of the states, and secondly it hints at cooperation between the centre and the states.⁶⁷ subjects of legislation have been allotted to the state list in guaranteeing and securing this division.

4. Culture, Language and Federalism

The diverse cultural spectrum of the country calls for a specific attention to be given to individual groups. Unlike any other country, in India, communities, associations and societies exhibit minimal similarity in their ways of life and as a product of a highly varied evolution quotient, express their peculiarities in different ways. The needs, motives, social functioning and demographic identities of different states are non aligned with one another and in such a situation it is impossible to assign them a label of a unified central identity.

While speaking of culture, different states show variation not only with respect to different kinds of festivals but also in the same observances. For example, the same festival assumes the forms of Durga Puja in West Bengal and Navaratri in North India. Further there are different sociofacts, mentifact and artifacts of the communities coalescing around their regional centres and the biggest example of this would be the big North-South divide in the subcontinent. The point of paramount importance in this case would be the relevance of allowing autonomy to regions that are exclusive of their own cultural peculiarities, a freedom to safeguard their own idiosyncrasies and not let any other culture superimpose on them, that might have been the situation in case of a centralised polity. Each state has been given the scope of representational democracy to further the interests of the people residing in them thereby eliminating the scope of any injustice or bias in administration. The second most important aspect would be Language. Language is not simply a code of scripted alphabets, it is rather a medium of joining people, helping them in connecting with one another and at the same time language is the basis of a common heritage which a group inherits. The situation of India is once again diverse with the presence of myriad linguistic groups with an obvious preference of their language over others. This was indeed a hurdle that the colonial period helped to overcome with the use of English as an uniformly applicable language. Federalism in this sense is important to segregate regions on linguistic basis and bestow proper importance in them. India post independence has witnessed a massive linguistic reorganisation in which different states as entities were carved out of already existing provinces, the only intention being emphasising the language spoken by the masses.

Federalism and its implications can be found deeply interwoven with the language of a region and the tendency of people speaking the same to coalesce around it. A notable

example would be the formation of the state of Andhra , the intensity of the protests put up by people , the fast unto death of Potti Sriramulu, and the political unrest in the region. Quite similar were the demands for creation of Bombay and Punjab as well. The cardinal point which highlights in these circumstances is that language is a consolidating political force and since India is a home to a multiversity of linguistic spectrum, federalism helps in carving out dominant niches for each language and their identity by means of regional political distribution of power. Every state located in a definite geographical position embraces a particular language for propagation and other public purposes. In this way federalism helps in preventing a total central eclipse of English official language over the myriad other ones as well.

5. National Stability and Federalism

National stability with respect to federal ideology implies to the autonomy of statehood, the enabling power of each state to decide on concerns of their region and addressing the same in the best way possible. Being a state under the constitution makes it not only a partner of administration but a centre of power with limited jurisdiction, an independent capacity to rule the region, determine the welfare and benefit by deciding autonomously on issues of dissent in the state. In the light of such a power, different secessionist tendencies could be curbed down. The most important of those would be Nagaland and Mizoram's formation , even carving out of Telengana in 2013.

In case of Nagaland and Mizoram, separatist tendencies had been cropping up coupled with an urge to get better representation and fuelled by the forces of terrorism and the demand was to set free of India. In such a case, the situation could be rightly mitigated by the formation of separate statehood and bestowing federal benefits to maximise regional autonomy and representation. The states of Telengana , Chhattisgarh have been formed for primarily similar reasons, just that in these cases, the entire conflict rested upon regional representation and conflict of interests between mainstream and marginalised communities. The point is quite clear and evident in this case, it is about the relevance of federal power distribution to not simply centres of varying culture and language but also to different regions having their own issues of conflict and crisis.

6. Kashmir Issue: A Case Study

The [4] political statehood of India as a united geographical entity was jeopardised by the numerous princely states dotted intermittently on the main landmass of colonial domination. The malafide intentions of the imperial power domination substantiated itself by an ingenious plan to give independence to the country, partition the undivided Bharat into India and Pakistan and keep the separate Princely states endowed with the choice of being independent of joining any dominion they want or even be sovereign themselves. It was such an agreement that sparked off the biggest socio-political turmoil during the crucial period of pre and post independence. While some of the states were clear in their unequivocal decision of joining either of the dominions, there were a few notable examples of states like Hyderabad ,

Junagadh which added to the complications due to their lingering indecision. Sardar Vallabhai Patel with his outstanding diplomatic and manoeuvring skills succeeded in adjoining these bits and pieces of power centres into the unified governing system of India. However the issue of our case study ; accession of Kashmir to the dominion of India remained troubled, primarily because the state was a Muslim majority state having a Hindu raja – Hari Singh and he was indeed confused to join any of the states on account of his fear of democracy in India and militarism in Pakistan. Things changed with an invasion of Srinagar valley by the pathani tribesmen raiders when Hari Singh begged for help to India who assisted only on the condition of accession to India. Subsequently an Indo Pak War followed and the issue was taken up to United Nations as well resulting in a deadlock between the countries that follows to this day, serving as an instigating cause of conflicts and wars.

Article 370 [5] of the Indian Constitution gave a special status to the state of Jammu and Kashmir enabling any legislative implementation to be made only with a prior consultation with the state legislative assembly. This was an exception to the cooperative or quasi federal framework of India as operating elsewhere, but a strong authoritative power liberty to the state which was already embroiled in controversy and conflict. The judgement of the conferring of such powers on a state and the consequences thereof are at the most difficult to analyse, however it can be noted that Article 370 made special provisions that were not at par with the other states. This may have been continued as an exception to the unified system , but it indeed ambiguated the federal framework's homogeneity. In a recent Parliament move, Article 370 has been scrapped down aiming at keeping the federal set up uniform and equal for all the states of India. The move might have taken away the special position of the state, but at the same time completes the arc that began with accession of Kashmir back in 1940s, and this signifies an equal position of all states in Indian polity.

In the sense of federalism and the political philosophies governing India ever since, the special provisions might have made the state a strong regional autonomous body, independent of exercising its own discretion, having to be consulted and being able to eradicate local problems of paramount importance, but at the same time it would have been a provision as made by Centre for a specific state giving the implication of Central dominance in allowing such an exception. Hence, scrapping the article and making the state at par with the other states indeed strengthens the federal base.

One Nation One Vote

Centralisation, powerful and absolute control of the union over the regions or states has never been the way in deciding the polity of Indian statehood. The political philosophy of democracy stands and persists on the basis of elections and an impartial , fair way of conducting the same further fuels this rule by the people. Ever since the first general elections(1951-1952) which was described as a “leap of faith” , the success in each successive elections has proved India's belief in its constitution and democracy.

The [6] concept of “One Nation One Vote” is not new to India as till the year 1967 this system was in practice until some legislative assemblies of the states had to undergo dissolution thereby breaking the sequence of elections. In present times, the Union Government plans to bring the system back whereby a single set of polls would be conducted all across the country in which both members of Lok Sabha and the State Legislative Assemblies would be chosen. This comes supported with the plethora of economic and administrative conveniences that it would bring along with.

In this case it is imperative to analyse the consequences of such an implementation- firstly it deals a fatal blow to the federal autonomy and democratic liberty of the states to conduct their own elections for the set of representatives that the people of that state would choose fit for themselves and secondly the importance of state elections would be completely overshadowed by the central elections. Thirdly every state has its own associated political problems, nature of government, threats of dissolution and strengths of majority of the ruling political party, so a centralised electoral process would obviously not appreciate the federal powers of the states and not recognise such issues of importance. However the chief most area that would be affected would be the confusion regarding political propaganda- micro and macro level social concerns that are addressed in any election manifesto. By allowing a single system of elections, Union Government would obviously have wider and unrestricted influence on the democratic functioning of the states as well, disrupting the cooperative federal adjustment and at the same time super enforcing union interests over the states.

7. Conclusion

It is hence observed in the conclusion that the hypothesis stands justified. The present study has successfully delineated on the importance of federalism, the federal features dotted on the unitary domain of the country that is relevant and significant in not only preserving the polity of India but also important in maintain the diversity in the social fabric of the country towards sustaining the composite culture of the land. Federalism duly joined the parts to form the country and now adjoins them to the smooth functioning of the country as well.

References

- [1] Federalism – The Indian Constitutional Context, Sahil Arora
- [2] Constitution of India
- [3] Constitution of India
- [4] India Since Independence, Chandra, Bipan, Mukherjee, Mridula, Mukherjee, Aditya
- [5] LiveMint, Das, Shaswati, <https://www.livemint.com/news/india/jammu-kashmir-amit-shah-moves-rajya-sabha-to-scrap-article-370-1564984999538.html>, last seen 26/08/19
- [6] Raja, Vidya, <https://www.thebetterindia.com/143182/one-nation-one-election-simultaneous-polls-good-or-bad/>, last seen 27/08/19