



Changing Dynamics of Indian Federalism

Zeenat Ara

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INDIAN FEDERALISM**

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Changing Dynamics of Indian Federalism is a manifesto to evaluate Indian experiment in political institution building. In the field of Union-State relations in India, this claim can be evaluated with the help of assessing various political processes and their changing dynamics in different environments.

In the scenario of working of Union-State relations in India, it was envisaged that conflicts would arise and to mitigate such challenges, some structural devices were carved out for conflict resolution. But at all levels such efforts ignored the dynamics of prevalent context. So it was desirable to assess this issue in an overall environment, necessary for the operational viability of political institutions and more specifically the case of Union-State relations in India.

Federation is not just a structure but a process and so it is important to activate the forum for interaction than going in only for formal arrangements. It is acquiring new dimensions with world economy getting globalised and integrated and paradigm is changing at all levels. So it has ceased to be merely a constitutional problem but has become a political one as well.

This book is divided into five chapters with a focus on the role of political parties and economic dynamics apart from historical and constitutional framework. It has also looked into the emerging trends which has transformed the Union-State relations in India.

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Dedicated
To My Parents
for their love and support

Preface

Adoption of federal structure in India was conceived as a necessity to meet out exigencies arising out of plurality of Indian situation. Elements of heterogeneity and plurality could be managed through bringing about reconciliation between national identity and those of constituent units. Federation was an answer to that. Politics of accommodation was the catchword in the process of political institution building.

In political context, balancing the relationship of centre and states became evidently important, particularly after 1956, when cultural identities were provided a political personality in terms of reorganisation of states on cultural lines.

In the scenario of working of Union-State relations in India, it was envisaged that conflicts would arise and to mitigate such challenges, some structural devices were carved out for conflict resolution between the Centre and States like provision of the supremacy of the Constitution, independence of Judiciary, Judicial Review, amendment process etc. However the in-built mechanism of resolution of conflict between Centre and States did not prove to be adequate. This point can be elaborated by evaluating some of the important steps taken by various governments during

post-independence phase. For example the appointment of a study team on centre-state relations by the Administrative Reforms Commission in 1969 and the Rajamannar Committee appointed by the Tamil Nadu Government in the same year. But these efforts did little to reconcile the severely strained relations between the Centre and the States, A proper solution to the problem of the centre-state relations demands an approach which will devise a federal framework substantially different from that provided by the makers of the Indian Constitution. The Sarkaria Commission (1983), no doubt in dealing with the problem had a sufficiently wide perspective, but its approach was limited to the founding fathers. It aimed at correcting some of the distortions emerging out of the functional aspects of the Constitution, but ignored the basic factors causing strains in the relations between the Union and the States, specially in the post-Nehru period. After initial two decades when no challenge—cultural, religious or regional—was posed to the integrity of the country, the whole political environment underwent a change giving place to tensions and strains almost threatening the federal system. The Commission failed to show a comprehensive understanding of the factors responsible for the change in atmosphere and an appreciation of the causes responsible for their growth, primarily because of its faith that constitutional management itself will provide a satisfactory solution of the problem. It ignored the dynamics of prevalent context. The emergence of new factors in the form of regional elites have also affected the working of the Federal System.

Inspite of all this, certain other functional factors emanating from the political culture have influenced the conflict resolution syndrome. This study is primarily looking into these processes emerging out of various situations. For this purpose models of U.P. and Kerala are put under enquiry in this case.

Though there have been a number of studies about the centre-state relations in India, most of the studies are confined

to the study and dynamics of constitutional structure with an emphasis on either the role assigned to the Centre in the Constitution, or that of the Congress Party. For instance, analysts like K. Santhanam, Justice K. Subha Rao, S.P. Aiyar and Asok Chanda have based their interpretations on an analysis of the provisions of the Constitution. They observed that the Union is excessively powerful vis-a-vis the States and exercises considerable control over them. These constitutional studies have ignored the processes affecting the working of this system. Apart from some legal constitutional studies e.g. of Paul Appleby, there are studies on the working of the Federal System as of C.P. Bhambhri, A. Krishnaswamy and others while K. Subha Rao have pointed out the constitutional portion and the authority of the Planning Commission.

However the studies of Iqbal Narain and Marcus F. Franda are in sharp contrast, as they pointed out that Union-State relations in India have in the last two decades been marked by tensions. Some other scholars like K.R. Bombwall, Rasheeduddin Khan etc. have also observed centrifugal trends in the Indian polity. Thus, it is clear that largely the context of the working of Union-State Relations is ignored. It seems desirable to assess this issue in an over all environment, necessary for the operational viability of political institutions and more specifically the case of Union-State relations in India. Such an attempt demands an evaluation within a micro-level universe of the study. It is attempted to reduce the universe by taking up only two contrast models of Centre-State relations in terms of Uttar Pradesh and Kerala. In U.P. same party was in power for a long time since independence, none of which could complete its term of five years, although, there is a decline in its voting strength. Political unrest and governmental instability have been the characteristic features of Kerala's history since independence. Kerala is the first state to vote communists to power through parliamentary process. It has witnessed the largest number of changes of governments. In Kerala no single party could come to power after 1959

and barring Achyutha Menon ministry, none could complete its term. Secondly religion and caste are the two major social divisions in U.P. Hindu-Muslim conflict has become a common occurrence in the State. For example, the controversy over Ram-Janambhumi- Babri Masjid issue has been there since long. Religion is the technique here for political mobilisation, while ideology is the dominating factor in Kerala, as Communist Party of India-Marxist (C.P.I.-M) has ideologically emerged as a more homogenous party. Thirdly geographical proximity has also affected the relationship between the Centre and the States. Fourthly, economics have affected the context to the extent of threatening the stability of the system. Kerala has been described as a 'problem state' of India, as its economy is plagued with various problems like over population, increasing unemployment, poverty and chronic food shortage, which has increased due to the Gulf crisis. It was pointed out repeatedly that Kerala's economic problems are due to the malfunctioning of the processes. U.P.'s economy is characterised by agricultural stagnation and industrial decline. Within the state, different regions have different levels of economic development. In spite of long same party rule it is lagging behind with regard to many social and developmental services.

Here, an effort is made to look into these models and draw conclusions, valid in proving that Indian Federation has gradually changed its character from Cooperation Federation model to Conflict Frame. With 1989 elections, began an era of coalition governments coincided with the politics of accommodation and adjustments, thereby changed the whole context sharply.

This work is divided into five chapters. Chapter I deals with factors for adopting a federal set-up for India. Views of the provinces and the nature of the proposed federal structure are dealt in this. Chapter 2 is about the analysis of the functioning of the Constitution regarding administrative and legislative relations of U.P. and Kerala

with the Centre. The reasons of the emerging trends and their comparative analysis in two different contexts is done in Chapter 3. How the political parties change the relations between Centre and States is analysed in Chapter 4. One of the major issues of Federation i.e. economic dynamics is analysed in Chapter 5. To what extent are these States financially subservient to the Centre and to what extent, central assistance to the State is based on the 'need' or the bargaining strength of the State and to what extent, do the financial relations reflect a conflicting model, are analysed in this chapter.

I am finding it difficult to put in words my deep sense of gratitude to all those who in one way or the other, enabled me to complete this work. First of all, I would like to record my sense of gratitude towards Prof. Zahoor Mohammad Khan for his encouragement and expert advice in writing this book. His guidance was a process of constant learning and improvement for me. I am again especially thankful to him that even in the midst of pressing engagements, he provided me proper guidance and rendered some very important suggestions.

My special thanks is, undoubtedly due to my friends, Amalji Sahay, Dhananjay Verma, Dr. Parveen Sabharwal, Dr. N. Balakrishnan, too many to name individually, who have constantly helped me. Their continuous inspiration for hard work, helped a lot.

I also owe thanks to all the library staff members of the Nehru Memorial Library—Teen Murti House, Jawaharlal Nehru University Library, Central Reference Library—University of Delhi, Zakir Husain Library, Jamia Millia Islamia, Indian Council of Social Sciences Research (Documentation) Library, Central Secretariat Library—Shastri Bhawan, Parliament House Library, National Institute of Public Finance and Policy, and Yojana Bhawan Library, Library of Indian Institute of Public Administration, Library of the Institute of Constitutional and Parliamentary Studies, Indian Council of World Affairs (Sapru House) Library, for

their help in collecting the valuable research material. I am also thankful to Uttar Pradesh Information Centre (New Delhi) and Kerala Information Centre (New Delhi) for providing me necessary material and information for this work.

In the end, I express my profound gratitude to my parents and other members of my family who gave me tremendous love, support, encouragement and understanding all the time.

Zeenat Ara

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Historical Perspective

In the process of political institution building, context is vital in terms of structure and functioning of an institution. For this perspective studies are needed. Most striking is the historical perspective of evolution of Indian political system since 1945. This period was marked by the collapse of colonial order and the successful culmination of the national liberation struggle. It covers an important phase of British imperialism in India. It exploited for its own ulterior motive, the economic backwardness of dependent countries. India was not an exception to it.

Post Second World War era witnessed the beginning of decolonisation of the Third World. During this phase, though political liberation in many countries was achieved and new nations appeared on the map of the world, these could hardly enjoy economic self-reliance. It was a difficult situation of imbalance between political independence and economic dependence. However, a serious effort was launched for carving out new political structures and to use them for achieving stability in political terms. These countries were formally independent but lacked the instrumentalities of translating their independence into political reality. The attainment of economic independence was the basic requisite for consolidating political sovereignty. Alien rule continued

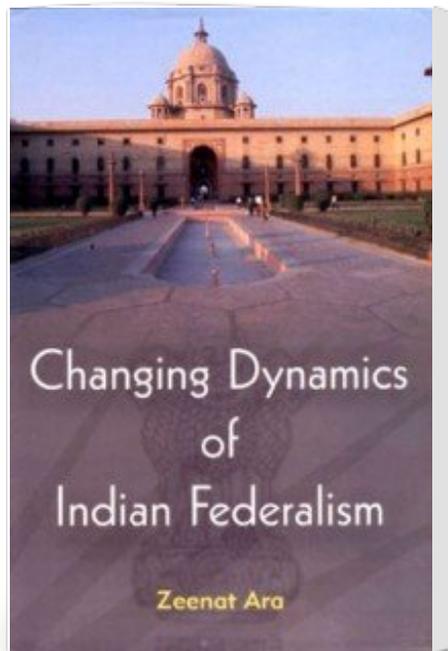
to influence the way of thinking and the formation of political institutions even after decolonisation.

In the 1917 Montague-Chelmsford Declaration, the British Government accepted the progressive realisation of responsible government which, however, neither envisaged any federation nor meant 'self-government'. But in 1919 people started demanding for 'self-government' against the provision of the Government of India Act, 1919. Indian leaders wanted to secure full self-governing dominion status for India under the British empire and autonomy for the units. Subsequently there was a shift in British policy when they asked the Indians to produce a constitution with a general consensus among the leaders of India. Afterwards the Nehru Committee in 1928 produced a constitutional framework, where the word 'federation' was not used at all. However, the idea of a federal set up for the whole of India, consisting both of princely states and the British India was suggested for the first time by the Simon Commission (1927-29) and later by the Indian States (Butler) Committee (1927-30) in 1930. The idea of federation was discussed in detail by the successive Round Table Conferences convened in London by the British Government, from 1930-33, and was approved later by the Joint Parliamentary Committee (1934).

The Britishers were aware of the developments in India and realised that some well timed action was required to pacify the Indians. So a Commission with Sir John Simon as the Chairman was constituted. The Commission asserted: "The ultimate Constitution of India must be Federal, for it is only in Federal Constitution that units differing so widely in constitution as the Provinces and the States can be brought together while retaining internal autonomy."¹ It made two basic recommendations:

- (i) provincial autonomy should be strengthened by further devolution from the Centre,
- (ii) No change should be made on the Central Executive; but the Central Legislature should be reconstituted on a federal instead of a unitary basis.

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