
CHAPTER V

THEORY AND PRACTICE OF INDIAN FEDERALISM

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Federalism is an application of the principle of utilitarianism, so to say, in the political organisation of the States. In the condition of a particular time and place it is a development towards decentralization or towards centralization as the case may be, in order to secure the highest possible utility¹. Everywhere federalism is a conscious application, a remedy devised by human intelligence in case of troubles. It shows that men are not forever destined to depend for the form of their political organisation on 'accident and force' but can create suitable forms through 'reflection and choice'.² Federalism has always been considered to be the proper solution for the problem of racial minorities. It is a form of government and fairly large number of countries like the United States of America, Canada, Australia, Russia and Switzerland have adopted. Those who have adopted federalism did so as a result not of mere accident but of deliberate choice. Federalism is always an outcome of necessity created by hard political, social and economic facts. It is the only form of government that has so far been

1. Mogi, Sobei, The Problem of Federalism, Vol.II, p.1059.

2. Ibid., p.1060.

found appropriate to countries of vast size divided into provinces with varying special problems of their own and inhabited by people among whom there are cultural groups with an intense desire to preserve their uniqueness and individuality. One important test of ideal government is its being in harmony with character and requirements of the people for whom it is intended, and federalism is an ideal form of government for people among whom there are considerable amount of diversity.

Another reason why it has found welcome in several countries is that so far as details are concerned, it can be adopted to the varying conditions of each country and it permits of all sorts of adjustment regarding the distribution of powers, the location of residuary powers and the method of constitutional amendment. It can be used successfully either to strengthen the centre or to maintain the autonomy of the parts of a high standard. As was remarked by Prof. Frankfurter, "There is no limit to its pliability and resourcefulness"³. Federalism is essentially a unifying force. This is one of its merits which is generally forgotten by those who contrast it to its disadvantage with a unitary constitutional system.

In presenting the Report of the Union Powers Committee to the Constituent Assembly on the 20th August, 1947, Pandit Nehru, the Chairman said:

3. Frankfurter, The Public & Its Government, Peter Smith, p.40.

" We are unanimously of the view that it would be injurious to the interests of the country to provide for weak control authority, which would be incapable of ensuring peace, of co-ordinating vital matters of common concern and of speaking effectively for the whole country in the international sphere. At the same time, we are quite clear in our mind's that there are many matters in which authority must be solely with the units and that from a constitution on the basis of a unitary state would be a retrograde step both politically and administratively"⁴.

In India thus the Committee prescribed for a federal structure with a strong centre. Besides, the new constitution of India could not tear away from the basic assumptions of that still born federation. An Indian Federation was bound to be centralised and the Act of 1935 had recognised it. Therefore, in India the most desirable course was to allow the old system to continue and as such the Indian federal union has an overtone of centralism. This led Prof.K.C.Wheare to remark:

" Indian Union is a unitary state with subsidiary federal features"⁵. Dr.B.R.Ambedkar who is regarded as the father of the Indian Constitution wanted it to be for he said, ' The word 'Indian Union' indicates two things, viz. (a) that the Indian Federation is not the result of an agreement by the units and (b) that the competent

4. Constituent Assembly Debates, August 20th, 1947.

5. Calcutta Weekly, 'Notes', Number 34.

units have no freedom to secede from it⁶ This makes complete supremacy in the union Government.

In Indian Federation, the distribution of legislative, executive and administrative, powers of it is found that the union government has been vested with huge powers. It is natural that distribution of powers has not followed any uniform pattern. This could not have been from either as Prof. Carl Friedrich points, " such divisions of 'competencies' that is the sphere within which each may operate, must and will vary according to time and space. Economic and social life, the military and geographical factors will play their role in determining the particular arrangement. All these varied influences are clearly discernible in the methods adopted by different federations. In India, " The parliament has exclusive power to make laws with respect to any matter included in the 97 items of list I called the Union List and the legislature of any state has exclusive power to make law with respect to any of the 66 matters enumerated in list II referred to as stated list. Whereas the parliament and the legislature of any such state also have powers to make

6. Constituent Assembly Debates, Vol.VII, No.1.
p.43.

laws in regard to any of the matters listed in list III described as the concurrent list (Art 246). Apart from these powers, the Parliament has power to make laws in any matter for any territory not included in a state and it can also make laws with extra territorial creation. This is also supported by the court in Subramaniam vs Muthuswamy case, in which the federal court states, " The Federal legislature has full and exclusive power to legislate with respect to matters in list I and also power to legislate with respect to list II minus. Matters falling in list I. The dominant position of the Central Legislature in regard to matters in list I and III is thus established"⁷. Besides this, there is considerable scope for expansion of Parliamentary competence. If the Rajya Sabha, which is the upper chamber, declared by a resolution supported by not less than two-thirds of the members present and voting that it is " necessary or expedient in the national interest,"⁸ that Parliament should make laws with regard to any matter enumerated in the state list, and specified in the resolution, (Article-249).

Practice of Federalism:

In India, federalism has at times worked behind the vision of constitution. In any country, the political system

7. Muthuswamy Subramaniam Vs., Federal Court Journal, p.95, 1940.

8. Santhanam K., Union State Relations In India, Asia, Bombay, 1960, p.59.

a country is not just its constitution in acting; but it is an amalgam of institutions, processes and practices which may be constitutional extra constitutional and even sub-constitutional, i.e., below the accepted norms of political behaviour. Thus the history of a constitution in action is always very different from its spirit, and even from the letter of the constitutional law. In India, the constitutional framework has been modified even without formal amendment, regardless whether the constitution is rigid or flexible, elaborate or brief. The Union State relations in operation under the impact of so-called extra-constitutional phenomenon the process of centralised economic planning in the country all have contributed to the emergence of a strong centre. Discussing the impact of planning on centre-state relations Mr.K. Santhanam writes, " Planning has superseded the federation and our country is functioning almost like a unitary system in many respects"⁹. Prof.Carnell points " Since the launching of the Five Year Plans, Mr.Nehru and the Planning Commission have found the federal structure very irksome..."¹⁰. The urge for accelerated economic growth and extension of social services is the overwhelming social urge in India.Comprehensive

9. Santhanam,K., Union State Relations in India, Asia, Bombay,1960, p.57.
10. Carnell,F.C., Political Implications of Federalism in New States, 1961, p.55-56.

planning has been undertaken with a view to giving this urge an articulate expression. 'It is generally believed that federalism suffers most in a system of planning, for planning introduces a powerful centralist direction in centre-state relations which federalism seeks to prevent'¹¹. The complaint that the operation of Five Year Plans has made the country's federal system function in almost a unitary way and has reduced the state autonomy to a marginal phenomenon, is widely held in India¹².

The Planning Commission, which was set-up by the government of India through a formal resolution in March, 1950, 'through an organisation free from the burden of the day to day administration, but in constant touch with government at the highest policy level'¹³. The Commission will:

- 1) Make an assessment of the material, capital and human resources of the country, including technical personnel, and investigate the possibilities of augmenting such of these resources as are found to be deficient in relation to the nations requirements.
- 2) Formulate a plan for the most effective and balanced utilization of the country's resources.
- 3) On a determination of the priorities, define the stage in which the plan should be carried out and propose the allocation of resources for the due completion of each stage;

11. Zurcher Arnold, Federalism & Economic Growth in Underdeveloped Countries, p.55.

12. Santhanam K., Op.cit., p.90.

13. Cabinet Secretariat Resolution (Planning) No.1, p (c)50, dated 15th March, 1950.

- 4) Indicate the factors which are tending to retard economic development and determine the conditions which in view of the current social and political situation, should be established for the successful execution of the plan.
- 5) Determine the nature of the machinery which will be necessary for securing the successful implementation of each stage of the plan, in all its aspects.
- 6) Appraise from time to time the progress achieved in the execution of each stage of the plan and recommend the adjustments of policy and measures that such appraisal may show to be necessary; and
- 7) Make such interim or ancillary recommendation as appear to be appropriate on a consideration of the prevailing economic conditions, current policies, measures and development programmes or on an examination of such specific problems as may be referred to it for advice by central or state governments for facilitating the discharge of the duties assigned to it¹⁴.

The Finance Commission is composed of altogether twelve members. The Prime Minister is its Chairman, and five of his important colleagues in the union council of Ministers are its members, and the Cabinet Secretary is the Secretary to the Commission.

14. Gazette of India (Extraordinary), March 15th, 1950, see 4 of the Resolution.

In order to adopt a five year plan to the shifting social and economic situations, it is broken up into a series of annual plants. "Usually, in November and December every year there is a series of consultations between planning commission on the one hand and central ministers and the states on the other for reviewing the progress of the Five Year Plan during the previous years, reassessing the resources and the technical possibilities and formulating an annual plan for the next year"¹⁵.

From the above study of the compositions of the planning commission, and of the planning process certain reasonable conclusions relevant to Union-State relations can be drawn. First, the composition of the commission is such that the formulation of a five year plan is done largely in the light of the accepted policies and decisions of the Central Government and hence, a plan comes to reflect predominantly the mind of the centre. As one writer observes, " The power of the centre is so great that at the planning stage agreement will be reached reasonably close to the centre's position"¹⁵. Secondly, the role of the Finance Commission as an umpire in Union State financial relations has been rendered redundant

 15. Sen S.R., Planning Machinery in India, Indian Journal of Public Administration, Vol.VII, No.3, July-Sept.1961, p.75.

by the operation of the five year plans. For this, Commission has no independent role to play as it has to make recommendations on the basis of the needs of the States already ascertained by the planning commission will approving the state plans. At the Third Finance Commission regretted, "the role of the Finance Commission comes to be at best, that of an agency to review the forecasts of revenue and expenditure submitted by the states and the acceptance of the revenue element of the plans as indicated by the planning commission for determining the quantum of devolution and grants-in-aid to be made and at worst, its functions is merely to undertake an arithmetical exercise of devolution, based on amounts of assistance for each state already settled by Planning Commission, to be made under different heads on the basis of the principles of certain principles to be prescribed"¹⁶. Thirdly, a consequence of planning is the dilution of fiscal autonomy of the states. An annual plan which is framed for the coming year after annual plan discussions is formulated in the light of the planning commissions review of the budgetary needs and available resources of the states for the coming year. Hence, in so far as the plan outlay in the annual budget is concerned, the

 16. Report of the Third Finance Commission, p.35.

states have particularly no autonomy.

Although the function of the Planning Commission is merely advisory in nature, its actual role has been more than that. The role has been one of the actual control. To give some instances which impinge upon state autonomy, through its Land Reforms Division, the Commission examines the states' land reforms schemes before they are introduced in the state legislatures,¹⁷ through its prohibition section the work on prohibition in different states is co-ordinated;¹⁸ the basic principles of local development works programmes are set by the commission¹⁹. The Planning Commission also supervises the work of plan implementation, particularly in the states through advisers, each of them being assigned a group of states. This catalogue of powers and functions of the Planning Commission would show that its control over the states is quite large.

The crucial question related to Union-State relations in India in the context of planning is, " Can a state refuse to obey the directives of the Planning Commission or of the Union Ministeries on a matter in the state list ? Or, can a

17. The Organisation of the Government of India (The Indian Institute of Public Administration), p.349.

18. Ibid.,p.351.

19. Ibid.,p.350.

state pursue a development scheme which has not been sanctioned by the Planning Commission. From the constitutional point of view the state can, for the state's power in matters in the state list is, subject to certain constitutional limitations, supreme and unlimited. But in that case the state must be prepared to suffer the consequence of non-compliance with the directives of the centre, and the consequence is stoppage of all central assistance. But it is obvious that no state would generally venture to take such a risk. The centre has a monopoly of almost all the elastic and productive sources of income with the result that the states possess comparatively inadequate static resources²¹. According to Rajamannar P.V. in relation to planning: "The committee wants the planning commission to be an independent authority, beyond the political control, as now, of the central executive. It should be made a statutory body by an Act of Parliament. It should consist wholly of experts. The existing Planning Commission should be abolished. The new body should have no political function, and should merely provide technical appraisal of plans and projects. Each state should have its own planning Board"²².

21. Ray Anai, Inter Governmental Resolutions in India, Bombay, Asia, 1967, p.122.

22. Rao Raghavanāra K., Paper read at Symposium, Centre State Relations in India, March 29th, 1979, p.5.

With regard to the utility of the Planning Commission, Pandit Nehru pointed out in the Lok Sabha in December, 1963, that the Planning Commission has performed an essential task without it we could not have progressed, we are a federal structure and it has served to bring the various states together and have an integrated planning. If it had not been there, the central government could not have done their jobs because immediately difficulties would have arisen that the central government was encroaching on the rights of the states. It is an advisory body, I report it, and the states and the centre approach them and discuss things with them. Almost everything that they have said about the states is after consideration and after reaching an agreement with the states²³.

National Development Council:

In order to secure the support and co-operation of the states for the plan and to secure uniformity of economic policies all over the country, the government of India on a suggestion of the Planning Commission set-up the National Development Council.

 23. Lok Sabha Debates, Third Series, Vol. XXIII, No. 18,
 December 11th, 1963, Coln. 4208.

It is realisation of this need that the Planning Commission suggested in the draft outline of the First Five Year Plan, the creation of the National Development Council which would be a "forum... at which, from time to time, the Prime Minister of India and the Chief Ministers of the States can review the working of the plan and of its various aspects"²⁴. The council was established in 1952 by Cabinet resolution, which defined its functions as follows:

- 1) "to review the working of the National Plan from time to time.
- 2) to consider important questions of social and economic policy affecting national development; and
- 3) to recommend measures for the achievement of the aims and targets set out in the National Plan including measures to secure the active participation and co-operation of the people, improve the efficiency of the administrative services, ensure the fullest development of the less advanced regions and sections of the community and through sacrifices borne equally by all citizens, built up resources for national development"²⁵.

24. Administrative Reforms Commission Report of the Study Team, 'Centre-State Relationships', Vol.I, September, 1967, p.101.

25. Ibid.,p.102.

The National Development Council is consulted in the formulation of the plan after the Planning Commission perhaps a rough draft in consultation with the central ministries and the state governments in the background of the perceptive plan and after its has been approved by the central cabinet it is placed before the National Development Council which represents the principle of co-operative federalism.

On the basis of the recommendations of the council the schemes and projects are suitably modified and sent to the Union Ministries and State Governments as preliminary instructions. After they submit their plans to the commission, the later starts the work of integrating them into one general and comprehensive plan for the whole country. Thus emerges a draft plan. After this there are long discussions between the Planning Commission and the representatives of Union Ministries and State Governments to fix the size and nature of the Central Government and State plans. These tentative conclusions are placed before the union cabinet and after its approval are considered by the National Development Council, whose recommendations are taken into consideration by the Planning Commission when it gives a final shape and form to the plan which after its approval by parliament becomes the official plan and is published.

Weakness in the process of consultation is most tangible at the primary and most important stage of the formulation of

goals and objectives and the adumbration of the strategy of planning. But the perspective plan document is never taken up in the council. Alternatives within a given framework may be discussed and these take the form of readjusting, seldom more than marginally, inter-sectoral priorities and outlays but alternatives to that framework are not presented to the council"²⁶.

Administrative Reforms Commission gave the following suggestion to the Central Government in relation to the National Development Council:

- 1) " all basic questions of planning policy, particularly those pertaining to goals and objectives, alternative frameworks, strategy and crucial sectors should be placed squarely before the National Development Council in time and debated there;
- 2) The council should give the highest importance to these basic issues to help arrive at a national consensus keeping the national good in view; and,
- 3) The council should be assisted by a standing advisory committee consisting of official advisers from each state, the central ministries concerned and the Planning Commission"²⁷.

26. Ibid., p.103.

27. Ibid., Paragraphs 6.8-6.10, p.106-107.

The National Development Council has been described as a 'super cabinet'²⁸. H.M.Patel, Ex-Finance Secretary of the Government of India remarks: 'The National Development Council is a body obviously superior to the Planning Commission, it is indeed a policy making body and its recommendations cannot but be regarded as policy decisions and not merely as advisory suggestions'²⁹. Michael Brecher, the political biographer of late Pandit Nehru is of the view that 'it lays down policy directives invariably approved by the cabinet. Since their inception the National Development Council and its standing committee have virtually relegated the Planning Commission to the status of a research arm'³⁰. Trilok Singh calls it "the highest national forum for planning which has in practice embodied and given informal sanction to the underlying concept of partnership and co-operation between the Centre and the States over the whole range of Government"³¹, and which brings State governments into an organic relationship with the organisation of planning at the national level'³². Also V.T.Krishnamachari also recommends its 'Vital role' as 'it gives a lead to the country on broad issues of policy and promoted collective thinking and joint action on matters of

28. Santhanam K., Op.cit.,p.47.

29. The Indian Journal of Public Administration, October-December,1959, p.460.

30. Nehru: A Political Biography, London, Oxford Uni.Press, 1959,p.521.

31. The Planning Process, Govt.of India, Planning Commission, 1963,p.53.

32. Ibid.,p.54.

national importance'³³.

The National Development Council was (a) to strengthen and mobilise the effort and resources of the nation in support of the plan, (b) to promote economic policies in all vital spheres, (c) to secure the balanced and rapid development of all parts of the country. The inclusion of all Chief Ministers and their approval of the schemes of the Planning Commission gives a kind of sanction of the states to the scheme included in the plan. At present on any aspect of Centre-State relations, the National Development Council, would be the only resource for establishing centre state relations on sound footing. The recent outlay for a dialogue on Centre-State relations was held at last. The meeting of the committee of the National Development Council was by all accounts a constructive exercise.

Dr.Lekdawale, Deputy Chairman of the Planning Commission who conferred the meeting, set the tone for meaningful dialogue by conceding in his address that:

" There was a need for large transfer of resources from the centre to the states if the new priorities of development planning were to be subserved. He had apparently persuaded the central leaders especially to the Prime Minister and the

33. Krishnamachari V.T.,Op.Cit.p.67.

Finance Minister, to adopt a more flexible approach to the problem of Centre State financial relations...³⁴.

Dr. Lakadawala further pointed out that this question involved not only of larger transfer of financial resources from the Centre to the States, but it has also increased the question as to how this is to be brought about. This distribution of transfers inter State between the States and the Centre efforts the State Governments must make themselves to raise additional resources.

To this suggestion of Dr. Lakadawala, the Chief Ministers did not think it appropriate at this stage, and they also widely and sharply differed on the principles which should govern the distribution of central resources among the states.

Countering this the financial weaker and under-developed states, that is Assam, Tripura, Himachal Pradesh, Sikkim and felt that the centre should treat them on a special footing³⁵.

Andhra, Karnataka and Jammu and Kashmir expressed the view that the existing Gadgil Formula on sharing central resources formulated by a consensus in the National Development Council should be retained, while others wanted the Gadgil Formula to be modified³⁶.

34. Source- Dr. Kavalekar's K.K., Paper read at symposium on 'Federalism: Theory & Practice', March 29-31, 1979.

35. Ibid., p.8.

36. Ibid., p.9.

In this direction on modifying the Gadgil Formula, the Chief Ministers of Bihar and Orissa advocated the importance of reducing inter state disparities by placing states with a low resources base in a position of parity with other.

"This suggestion was countered by the Punjab Chief Minister, who stated that this would amount to discrimination against states which went ahead as a result of their own efforts"³⁷.

This group consisted of eleven states Chief Ministers, Deputy Chairman of Planning Commission and the Union Finance Minister, which the National Development Committee had set-up to reconcile the complex task of claims and counter claims. The Deputy Chairman and his colleagues refrained from presenting their views on the subject and advice only when needed³⁸.

This meeting has proved that the socio-economic development in India cannot be resolved by more generous transfer of resources from the centre to the states. Dr.Lakadwala himself has pointed in this direction it is again the responsibility of the centre to raise resources by way of taxes, credit

37. Ibid.,p.8.

38. Ibid.,p.10.

external aid etc. This makes amply clear that only transfer of resources would be of little help in progress of Indian economy. What is most required in India is a reappraisal to the very federal theory³⁹.

The Role of Political Parties:

One of the very significant extra constitutional factors in a federal set up is the party system. It is the party system which determines in a significant manner, the urges for maintenance and articulation of regional diversities. "Both the pattern of social diversity and the operation of the party system shape the consensus formation in a significant manner and determine the operational structure of federalism"⁴⁰.

The centralised direction of Indian Federalism, could be sustained through a single party dominance system till 1967. Certain strains and stresses were created by the pulls and pressure of regional diversities, but uni-party dominance in both national and state politics was able to absorb them but "the existence widespread state centre conflict", as Myron Weiner observes, "has thus far been precluded by one party control of the central government and most of the states"⁴¹.

39. Ibid., p.8.

40. Dr. Shukla Vinia, The Recent Trends & Issues in Union State Relations in India, 39th All India Political Science Association, 1979, p.17.

41. Myron Weiner, Party Politics in India, Chicago Uni. Press, New York, p.22.

In order to understand this aspect of central control, it is necessary to analyse the party organisation of the Congress. It is a garded organisation with Mandal Committees forming the base and All India Congress Committee consisting the summit. But in the Congress hierarchy it is the Congress Working Committee responsible to the All India Congress Committee which is the wielder of real authority. The Working Committee, popularly known as the Congress High Command, is "the highest executive authority of the Congress"⁴². It has "power to carry into effect the policy and performance" of the Congress and "to issue instructions" and "to superintend, direct and control all Pradesh Congress Committee"⁴³. Another powerful organ of the Congress is the Central Parliamentary Board which is set-up by the Working Committee "for the purpose of regulating and co-ordinating parliamentary activities of the Congress Legislature Parties"⁴⁴. The Central control over the State Governments level is ensured through working Committee and Parliamentary Board, particularly the former. Formerly, the party constitution contained a rule that not more than one third of the members of the Working Committee should be Ministers, but it was removed in September, 1952.

42. Ray Amal, Inter Govt. Relation in India- A Study of Indian Federalism, p.127.

43. Constitution of the Indian National Congress (as amended at the Bhavnagar Session in January, 1961) Article XX, p.95.

44. Ibid., Article XXVII.

At the beginning Working Committee for instance, as many as eight members of the Union Council of Ministers⁴⁵ have been included". Hence the Working Committee is essentially an adjunct to the Central Government.

The party resolutions which command the Congress government in the States to pursue certain policies, are practically those which have been passed by the Working Committee⁴⁶, and obviously, they reflect the thinking of the Central Government. Hence, the norms for action by the Congress Governments in the States are largely set by the Working Committee. The basic policies are evolved at the top of the party organisation which are passed on the State Governments for elaboration and implementation.⁴⁷

Another party ^{organisation} ~~organi~~ which facilitates central control is the parliamentary Board⁴⁸. It instructs the leaders of the Congress Legislative parties in the States on the composition of the State Cabinets, and has power to reject any name sent by a State Chief Minister for inclusion in his cabinet⁴⁹. As for instance, the powerful central intervention through the

45. They were Patil, Sanjivayya, Shastri, Manda, Reddi, Chavan, Mrs. Gandhi and Ram Subbag Singh.

46. Gadgil N.V., 'The Govt. & the Party', Indian Journal of Public Adm., Vol. III, No. 4, October-December, 1957, p. 25.

47. Santhanam K., Union-State Relations in India, Op. cit. p. 63.

48. Anai Ray, Inter Govt. Relations in India—A Study of Indian Federalism, p. 129.

49. The Statesman, June 28th, 1962.

parliamentary Board, we may recall the "Katju episode" in Madhya Pradesh. In 1957 after the death of Chief Minister Shukla, K.N.Katju, a stranger to Madhya Pradesh politics and a Union Minister at the time " was ushered in as Chief Minister of Madhya Pradesh under central direction"⁵⁰.

The impact of political changes in 1967 again in 1977 have been a profound alternation of the environment of Indian Federal system. "The Union party dominance Congress party system has yielded place to a new competitive, diffuse, multisystem most of them have their regional base"⁵¹. Some of them are regional by conception, others are by defection. Naturally, they have to give more emphasis on the regional interests and rights than the national one for their support and survival. That is why they are strongly demanding for more state autonomy in all the fields of political life, better economic condition to implement their programmes, so that they may fulfill their commitment to the people and can acquire their support and sympathy to get their grip tightened. But these are challenged, although not continuously but intermittently, by certain decentralising forces which guarantee substantial

50. Gandal S.C., An Approach to Indian Federalism, Political Science Quarterly, June 1962, p.30.

51. Dr.Shukla Vinla, The Recent Trends & Issues in Union State Relations in India, 39th All India Political Science Association, 1979, p.18.

state autonomy, and put a break to the process of total integration which has been set in motion in India by the powerful "Triple" that is national plan, massive grants and party. One such decentralising force is what K.C. Wheare calls, "the self-consciousness and self-assertiveness of the regional governments"⁵² which is slowly but perceptibly increasing in India. It is true that owing to strong party pressure this awareness of autonomous status and existence remains frequently dormant and cannot become as articulate and vocal. But at times when the centre decides to make a major and direct assault on state autonomy, or tries to encroach upon what the states believe really belongs to them, "The State consciousness transcends the rigidity of party loyalty, and becomes enormously active to challenge the centre's intervention. And this sense of state rights gain more in strength whenever a powerful local leadership arises to give the resentment of a state a thrust and focus"⁵³.

The general attitude of the regional parties is to articulate as many radical demands as possible, even a separate nation-hood as D.M.K. and Kalyan Dal were demanding. They are

52. Wheare K.C. Federal Government, p.256.

53. Ray Anai, Inter Governmental Relations in India-A Study of Indian Federalism, p.129.

in habit to give all the blame to the Central Government for their failure, to bring any fundamental change in the socio-economic structure of the State and take all the credit for themselves. For them regional interests would be more significant criteria than the national interest. If the ruling party at the centre is weak and disunited, it cannot properly deal with the stress, created by opposition parties of the various states. In this position the political behaviour of the central party system cannot be tough in dealing with the different opposition parties of the states. Some time if the demand is heavily loaded and strongly supported by most of the states and created a legitimacy in the public mind, then there is no other alternative but to accept it that is the demand for more fiscal autonomy was accepted by the central government.

Politics has become a game of opportunism, manipulation, bargaining, persuasion and a cut-throat competition for political power⁵⁴. Nobody wants to leave the seat of power and others are busy to drag down those who are in power, may it be Congress Party or Janata Party. There is continuous interaction

54. Dr. Shukla, Vimala, Ibid., p.18.

among all the units of ruling party at both the levels, the Centre and the State. This has given a great importance to the phenomenon of defection, sectionalism and dissidence. Previously it was the attempt to the Congress Party at the Centre to dislodge the non-Congress Governments of the States with the help of constitutional instruments President and Governors and to capture more and more States one after one. But recently, Janata Party government has evolved a new convention to dislodge their own party men from the Chief Ministership or to ask them to face the Assembly on the demand of the dissident groups of that State party. As a result three Chief Ministers Ram Narsh Yadav (Uttar Pradesh), Karpoori Thakur (Bihar) and Mr. Devi Lal (Haryana) had lost their respective position. Consequently the factional intra-party conflict, among the different constituent units (specially BLD and Jan Sangh) of Janata Party were become intense. For instance, this practice has been recently adopted in Uttar Pradesh, Bihar, Orissa, Himachal Pradesh and in Haryana. Though this phenomena has not occurred frequently both in Nehru's and Indira Gandhi's regimes but not this is also happening in Congress (I). Recently Mrs. Gandhi has now only issued show cause notice to his party's Chief Minister, Mr. Devraj Urs (Karnatak) but she has dismissed him from the party for six years. It recognised that even if a top functionary had acted against the interests of party it would be undefinable to reprimand him publically. This, if a Chief Minister has acted a displeasure of high command to the point

where it felt necessary to replace him, he would be told to accept gubernatorial assignment. But the question is in the present situation, whether he would like to retire from the active politics and accept it humbly and happily in the absence of undisputed, popular, national leadership? "These new trends have created a lot of difficulties in the party organisation and in the governments of the Centre as well as States"⁵⁵. Apparently this experience has not had a sobering effect on the Janata leadership. The intra-party conflicts among the leaders at Centre and States were solved by a interparty communication, compromise and adjustment.

When a ruling party at Centre is disunited, indisciplined and there are sharp differences among its constituent units, in the absence of undisputed single leadership, it cannot behave, neither with government of its own party nor opposition parties of the States firmly. It has to evolve a consensus formula and has to adopt a policy of compromise and adaptation to ease the tresses and strains, coming from the environment for its system maintenance and tension management.

Recently we can perceive this trend in the political behaviour and style of ruling party in dealing with the

55. Ibid., p.19.

opposition governments of the States. The possibilities of authoritarian behaviour and style would be less. The demand for decentralisation and greater state autonomy would be more strongly vocalised and the complaints of toppling the State opposition ministries would be heard intermittently⁵⁶.

In fact our constitutional structure is federal while the extra-constitutional structure of all India parties is unitary⁵⁷. If the Centre is strong with an undisputed, effective popular national leadership every thing relating to its party and government's of the State would be decided at the Central level. The process of rule-making and rule application will be directed and controlled by the Centre. In the reverse position, the strong state oriented regional leaders would try to dominate national politics.

The All India parties do not show an agreed view on Union-State relations, some parties as erstwhile Jan Sangh, Communist and the Congress to a certain extent are centralists. But when they are holding powers in the State, they will strongly demand for for more State autonomy and decentralisation, because of their particular political strategy and regional

56. Ibid., p.20.

57. Ibid., p.21.

support base e.g. CPI (M). First while the Swatantra Party is committed to an ideology of decentralisation and Socialist in their exgerness to balance the claims of national integrity and regional autonomy are reluctant to find any basic conflict of interests of the Union and the States. Naturally, from them the politics of Union-State confrontation has no major interest. The major bound of alliance is provided by the attraction of power. The Central leaders of different constituent units of Janata Party want to have their Chief Ministers in as many States as possible. It is an uneasy and uncomfortable compromise of diverse interests and ideologies.

The Chief Minister of Jammu and Kashmir Sheikh Abdullah deplored the trend of the Centre to arm itself with more powers thereby slowly seetting the power of the states. He pointed that when the constitution was framed there was a 'peculiar' atmosphere prevailing which did not tress on the Federal structure. At that time it was felt that the Centre should have more powers. Now after 30 years, things have become normal. There was a need to give a second thought to the question of Centre State relations⁵⁸. Soon after this declaration by Sheikh Abdullah, the Communist Party of India joined the issue deciding to 'launch a movement on the issue of Centre State relations, since the present relations have become an impediment to extend the democratic right of the people further and prevent recurrence of emergency rule in the country.

58. Indian Express, Bombay, February 2nd, 1978.

Mr. Promode Dasgupta asked the people to remember the experience of the dark days of emergency and raise the banner of democracy aloft so that nobody dared to trample on their rights again... Meanwhile, Mr. Kashi Kanta Moitra, leader of the Janata Party, strongly criticised both Sheikh Abdullah and Mr. Joti Basu for suggesting a movement on the issue of the recasting the Centre-State relations. Such a move would upset the process of unity in the country... Mr. Moitra pointed, before asking for more powers for the states the Sheikh should have agreed to the deletion of Article 370 of the constitution, providing for special status for Jammu and Kashmir. Mr. Hari Kishan Singh Surjet, CPI (M) parliament member, has suggested review of centre-state relations. He pointed that decentralisation of power would accelerate the pace of development of the states and ensure stability"⁵⁹.

Soon after this suggestion of Mr. Kashi Kanta Moitra, Shaikh Abdullah rejected the suggestion by various people that Kashmir could fall in line with other states... He declared "The people of Kashmir will not agree to the abrogation of Article 370 of the constitution... The Shaikh further suggested that all the Chief Ministers and the ex-Chief Ministers be

59. Indian Express, Bombay, February 11th, 1976.

invited to the seminar so that they could relate their experience. He supported the move for a national debate on Inter-State relations⁶⁰.

Dr. Subramanyam Swamy Ex-Member of Parliament, reiterated his demand for scrapping of Article 370 of the constitution which fostered a psychology of separatism. By retaining the Article, "We are aiding and abating" this psychology in Jammu and Kashmir as a result of which the Sheikh today wanted extension of this article to other states. Dr. Swamy said and added that people of the entire country should be allowed to settle in Jammu and Kashmir. He further stated... demand for state autonomy was "thoroughly mischievous and covers political objective of the parties making the demand"⁶¹.

On this issue Mr. E. M. S. Namboodripad, C.P.M. General Secretary, said that it would be "unwise" of Prime Minister Morarji Desai not to join the dialogue. President Sanjiv Reddy had also joined the dialogue and was for devolution of authority from the centre to the states. The states who wanted to join the dialogue were: West Bengal, Jammu and Kashmir, Tamil Nadu and Kerala. Referring to the possibility of Mr. Indira Gandhi

60. Indian Express, Bombay, February 12th, 1978.

61. Ibid., February 12th, 1978.

using the issue of Centre-State relations for her own purposes, she said " In politics everybody tries to everybody else"⁶².

Ex Prime Minister Morarji Desai pointed that he was not opposed to any dialogue on the issue of more powers to the states, but nothing should be done to "create bitterness and mount tension". In a country like India the centre should be made strong, but certainly not at the cost of the states"⁶³. He pointed out reasons as to why make the states weak, pin-pointed that " one party rule at the centre as well as in the states was no good"⁶⁴. A strong centre, he continued, would not put pressure the centre". I will neither pressurise any state nor allow myself to be pressurised by any state"⁶⁵.

"The central leaders of the party are expressing different opinion with regard to their intra-party conflicts and on policy matters. The legitimacy of their action is not based on rational, traditional or charismatic ground"⁶⁶. In the absence of the above element, the legitimacy of the central action is widely suspected and the political system is put to

62. Indian Express, Bombay, March 9th, 1978.

63. Ibid., March 9th, 1978.

64. Ibid., March 9th, 1978.

65. Ibid.,

66. Max Weber, 'The Theory of Social & Economic Organisation',
V., P.328.

severe strains. When leadership of party is criticising its own party leaders and government cannot justify central action and satisfy its own central and state leaders of different units, how can it create an environment of mutual good-will, adjustment and co-operation with other opposition parties of the states ? Once the genuine complaints of the states could be removed and the legitimacy of the central action is substantially ensured, the edge of regional discontent will soon be blunt and an atmosphere of mutual good will and trust will arise. It will then become possible to make an extensive and fruitful use of the various devices of co-operative, ⁶⁷ federalism and avoid any bitter union-state controversy. But this could be possible only when the political party in the centre has not to bother for its own existence in the face of bitter intra-party conflicts and divided leadership.

Federal theory today has advanced and co-operation between the centre and states is the guiding principle for centre-state relations. The aim of all societies is to obtain a best form of Government. In India federal theory needs a combination of federalised administration and centralised legislation. The hue and cry raised over and again would be meaningless only on political grounds. Federation is not

67. Amal Roy, Tension Areas in India's Federal System, p.149.

easy to work, unless proper men and suitable machinery is introduced. As no constitution is bad as long as the people who work under it have the "will" to work within the constitution. In the same manner, the success of federalism rests, to a very great extent on the capacity of the people to work together in a spirit of co-operation.