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**CHAPTER 3**

**FACTORS INFLUENCING INDIAN FEDERALISM**

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Federal system in any country is conditioned by historical forces. Federalism " is a product of liberal thinking if applied the 'relative' freedom of individual to the 'relative' freedom of organization territorial entity"<sup>1</sup>. Indian federalism is much influenced by 'unity in diversity' with the bedrock on which Indian federalism is laid. India is a country in which we find a 'variety of races, creeds and languages incapable to be fused in to a nation'<sup>2</sup>.

Federalism also establishes a dual polity which is essentially pluralistic in nature and in every federal institutions express the federal nature of society. "The varying degrees of federalism are produced by society in which the pattern of diversity varies, and in which the demands for the protection and articulation of diversities have been urged with more or less strength"<sup>3</sup>.

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1. Indian Political Science Journal, Vol.III, 1963, 'Article in Constitutions & Constitutional Trends Since World War II, pp.211-213.
  2. Mukerji R.K., 'Nationalism in Indian Culture', Delhi, 1957, Passim, p.17.
  3. Political Science Quarterly, 'Nature of Federalism', Vol.67, 1952, p.78.

India is a ageold country having its origins with a very rich history. India " though achieved independence, independence was built-up by harnessing the forces of regionalism"<sup>4</sup>. Regional diversities based upon linguistics and cultural distinctiveness has been and is since past to present the ruling factor of Indian politics. Regional entities drive their strength always from " the strength of age, of roots deep in the triumphs and humiliations of a venerable history"<sup>5</sup>. Every emperor in India during his region has built and used efforts of creating a strong centralised State but these attempts have been a failure.

Both "Geography and History, have always stood-out against any permanent merger of regional units in India"<sup>6</sup>. The influencing factor for the growth of regional factor for the growth of regional feelings influenced by geography, big rivers, deep forest, vast deserts and different soil conditions. These factors have segmented into many territorial layers and this have also had a lasting influence on the

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4. Report of the States Reorganisation Commission, p.38.
  5. Seling S. Harrison, India-The Most Dangerous Decades, Bombay, Oxford University Press, 1960, p.12.
  6. Amal Ray, Inter Governmental Relations in India, Asia, Bombay, 1966, p.10.

course and development of Indian history and politics.

"The course of Indian history like that of other countries in the world is always determined by geography"<sup>7</sup>. Each of the territorial units into which the hand of nature divides the country, has a distinct story of its own. The intersection of the land by deep rivers and winding chains flanked by sandy deserts or impenetrable forests, fostered a spirit of isolation and left the country under the small political and even social units whose divergences were accentuated by the infinite variety of local conditions"<sup>8</sup>.

Besides this, the Indian sub-continent was the centre of one of the oldest civilizations. Indian history has three main periods namely the Hindu period which began soon after the Aryans introduced themselves to India, the Muslim period and the British period. Each of these periods have left behind a great impact on Indian history. "In spite of the diversity of of India and many divisive forces which have stood in the way of political unification in the past, India has shown a basic

7. For the influence of geography on Indian history, refer K.M.Panikkar's Geographical Factors in Indian History, Chapter II and VI, Bharatiya, Bombay, 1967, p.67.

8. Raychoudhary H.C., A Advanced History of India, Bombay, MacMillian, Part I, p.5.

unity throughout the centuries which has survived invasions and wars and many decentralising tendencies"<sup>9</sup>. Even when Nehru wrote the fascinating book: 'The Discovery of India', is much influenced by this theme in his book. Nehru had a deep insight and knowledge of the Indian history, and these views had a great impact on his mind. Decentralization has always been present right since the period of ancient India which shows that India did have a democratic tradition. All these forces in a federal society have in themselves the image of marked social diversities. "There is no such country... India is a name which we give to a great region including multitude of different countries"<sup>10</sup>.

The difference between the countries of Europe are undoubtedly smaller than those between the countries of India. Scotland is more like Spain than Bengal is like the Punjab... it is probable that not less than fifty languages, which may rightly be called separate, are spoken in India. The diversities of religion and race are as wide in India as in Europe... There are no countries in civilized Europe in which the people differ so much as the man of Madras differs from the Sikh, and the languages of Southern India

9. Palmer D. Norman, The Indian Political System, George Allen & Unwin, London, 1961, p.16.

10. Sir Strachey John, India-Its Administration and Progress, 3rd Ed., London, 1903, p.2.

are as unintelligible in Lahore as they would be in London. A native of Calcutta is as much a foreigner in Delhi or Peshwar as an Englishman is a foreigner in Rome or Paris<sup>11</sup>.

The diversity of India, as Jawaharlal Nehru observed, "is tremendous, it is obvious; lies on the surface and anybody can see it"<sup>12</sup>. Taking India as a whole, her society is essentially federal in nature, and its heterogeneous qualities are clearly manifested.

Linguistic and cultural particularism, expressed broadly through historically integrated geographical units, constitute the most powerful centrifugal forces in India which have always acted as a check on any movement towards uniformitarianism. The flowering of regional literatures through remarkable development of regional languages, reflecting the characteristic spirit of regional cultures, created a consciousness of regionalism. This regional consciousness in its devotion to the greater cause of freedom, was no doubt considerably subdued during the days of India's struggle for freedom. But off and on it found expression through an articulate demand for regional autonomy as a necessary means of preserving regional particularisms.

11. Ibid.

12. Nehru Jawaharlal, The Discovery of India, Bombay, Asia, IVth Ed., 1964, p.48.

The conflicting social forces in India, engaged in competition for ascendancy exerted divergent pulls pressures on the drafting of the constitution and shaped the form and pattern of Indian federalism in varying degrees. In view of the marked regional diversities broadly based upon linguistics and cultural distinctiveness, the founding fathers of India's constitution had no choice but to frame a federal constitution.

More careful observers have ofcourse shown a commendable awareness of the fact that there is an essential unity in diversity in the Indian peninsular as a whole<sup>13</sup>. As Sir Herbert Risley asserts that:

"beneath the manifold diversity of physical and social type, language, custom and religion, which strikes the observer, there can still be observed... a certain underlying uniformity of life from the Himalayas to Cape Comorin. There is, in fact, an Indian character, a general Indian personality which we cannot resolve into its component elements"<sup>14</sup>.

13. Report of the Indian Statutory Commission, Vol.II, Calcutta, 1930, p.10.

14. Report of the Sapru Committee, Bombay, 1946, p.94.

India's undoubted diversity has, during the past three thousand years, co-existed with the concept of the whole country as a single unit. Not only has India been 'indisputably a geographical unit' but it has also been a single cultural entity which has tended to and has often succeeded in achieving prolonged spells of political unity. As Panikkar has put it, " the cultural concept of Aryavarta had its concomitant in the political conception of Mahasvatvarsha as a single political dominion. This conception had been formulated and accomplished during the period of the great Nandas and Mauryas and was never lost again and remained a dominant factor in Hindu Political thinking<sup>15</sup> .

Kautilya's notion of universal sovereignty extending to the four quarters (Chaturvanta) and the Maurya and the Gupta conception of Ekarat Chakravartin embodied the objective of the political unification of India<sup>16</sup> .

According to Rajendra Prasad, it was under the spell of this ideal that 'every invader, conqueror and emperor of India, whether during the Hindu period or Muslim rule, has

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15. Panikkar K.M., The Determining Periods of Indian History, Bombay, Bhartiya, 1965, p.5.

16. Mukerje R.K., Ancient India, Allahabad, Indian Press, p.110.



accordingly attempted with varying success to extend his empire to the whole of this country... It has been the ambition of every ruler to bring the whole of it under his suzerainty if not under his direct rule... The British Government has only followed the ageold practice of Hindu Chakravartins and Muslims Emperors in gaining Suzerainty over the whole of his country".<sup>17</sup>

The structure of the Mauryian empire provided the archetype of a political organisation towards which India constantly, though not always successfully, tended. The empire included some proterates... and therewere autonomous principalities within its bounds.<sup>18</sup> In its organisation the empire was an antithesis of the centralised Roman empire; it was, in fact of a 'feudal type' in which the internal autonomy of the various regions was respected.<sup>19</sup> Provincial Governors under British Rule in India writes Altekar 'enjoyed considerable autonomy. Like the provincial Governors of the East India Company, before the Regulating Act of 1773, we some time find them declaring their own peace'.<sup>20</sup>

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17. Prasad Rajendra, India Divided, 3rd Ed., Bombay, 1947, p.67.

18. Prasad Bani, Theory and Government in Ancient India, Allahabad, 1928, p.192.

19. Ibid., p.286.

20. Altekar A.S., State & Government in Ancient India, Delhi, Motilal Banaraidass, 1967, p.202.

Emphasising the respect shown to local autonomy, Altekar is struck by what he regards as a parallel between ancient Indian polity and 'our present ideal of a strong and united India with full autonomy for the States'.<sup>21</sup>

The informal territorial federalism that characterised the ancient Indian empire, was the political counterpart of the entrenched federalism of the Hindu Society as such. In this society, social as well as political organization was based on the group- family village community, and various other similar corporations and not on the individual.

According to Radha Kumud Mukerji, it was the principle of construction that minimised the friction and collision of atomic units and helped to harmonise the parts in and through the whole.<sup>22</sup> It was thus, dual territorial and social federalism which enabled the Hindu society to preserve its identity despite long periods of foreign domination in subsequent ages. 'Centralisation', as Jaiswal has rightly observed, 'was against the genius of the race'.<sup>23</sup>

The regional diversities having abiding roots in history reveal the essentially federal nature of Indian Society, and

21. Ibid., p.370.

22. Mukerji R.K., Op.cit. p.99.

23. Jaiswal K.P., Hindu Polity, 3rd Ed., Bangalore, 1955, p.349.

these constituted the most powerful centrifugal pressure at the time of constitution making.

Apart from marked cultural varieties, the other factor, which weighted heavily with the constitution makers in their preference for a federal constitutional structure, it is the size of Indian Union. From the snowy heights of the north down to the coasts of the Southern Peninsula India is a big country with an area of 12,59,797 square miles. Unitarianism in a country of this size is administratively inexpedient; a big country characterised by wide local variations should not admit of exact administrative standardization imposed from a single centre. Further, as Amal Ray observed in this sense 'any experiment with unitarianism in a country of such size and variety would have ended in a cruel failure.'<sup>24</sup> Besides, even from the defence point of view, federal structure was inescapable. Justice P.N.Sapru said:

" our founding fathers wisely did not establish for this country a completely unitary Government in which there was no distribution of sovereignty among the various units composing it. Any such attempt would have

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24. Ray Amal, Inter Governmental Relations, Asia, Publishing House, Bombay, 1966, p.12.

completely broken down as India is too vast country to be governed as a completely unitary State".<sup>25</sup>

It is characteristic feature of India's political geography that linguistic groups are by and large identified with distinct territorial units. The formation of provinces on the basis of this identify of language and geographical areas would have been justified on the ground of federalism. Instead, provincial boundaries were determined by historical accident administrative exigencies or strategic considerations. The result was that most provinces grew to be unwieldy and heterogeneous and some of them presented features 'revalling in their heterogenety India herself !

To quote the states re-organisation commission, that for the formation of provinces has been mainly governed by considerations of administrative convenience and economy and by reasons of military strategy and security... Administrative convenience itself require compact units with some measure homogeneity. In some cases, therefore, various factors conducive to the growth of natural units operated in the background. They were, however, subordinated to the prime considerations of administrative and military exigencies.<sup>26</sup>

25. Douglas William G., *We the Judges*, Allen James, London, p.38.

26. Report of the States Re-organisation Commission, 1955, p.20.

In his book Curtis has expressed the views that if the provinces of India were to be true and effective units of self-government, they must be based on unity of language, race and religion. He mentioned that the existing provinces were for the most part artificial creations of a paternal and highly centralised government which has its main spring, in England.<sup>27</sup> Further he felt that, if the areas of provincial government are too large, an irksome unity is imposed on the too widely different elements embraced with presently demand to be sub-divided into smaller self-governing units.<sup>28</sup> Curtis further writes

"Can we really look forward to a united states of India within the British Commonwealth, under which Sind and Canaree speaking people are tied and bound into the same self-governing unit as the Marathas ? Are not the Marathas themselves entitled to a state such as will perpetuate the traditions of the famous community ? Are the Tamil and Telugu people of Madras to be given no separate institutions of their own ? Are the Oriyas to be left dispersed amongst three provinces, the largest

27. Curtis Lioner, Letters to the People of India on Responsible Government', London, Allen James, 1918, p.68.

28. Ibid.

section being left under the permanent domination of the people of Bihar ? To base responsible government on such units, is not only to ignore the experience of other dominions but to violate the principles for which we are fighting in this war. You cannot base responsible government on units evolved on principles which are the anti-thesis of that system. You cannot graft figs on thorn grapes on thistles".<sup>29</sup>

In this way, the growth of decentralisation and democracy strengthened the geographical and social imperatives of Indian Federalism. The initiation of provincial autonomy in 1921, in however, guiding measure, was but a step on the road to a fullpledge federal set-up in the country.

In a predominantly religious country like Indian 'tradition' is often a part of religious ritual.<sup>30</sup> The native symbols and techniques, picked by Gandhaji in effect, were by and large, the symbols and techniques of his own social stratum, the 'Sanatanist Hindus'.<sup>31</sup> While these symbols succeeded in creating an increasing sense of identification with the national movement among the Hindus. They also helped to alienate the articulated non-Hindu social groups from the Congress fold.<sup>32</sup>

29. Ibid., p.73.

30. American Journal of Sociology, Vol.64, July, 1958, p.1-5.

31. George Rosen, Democracy & Economic Change in India, Vera & Co.Ltd., Bombay, 1966, p.64.

32. Gandhaji & the Minorities, 'Indian Express', October 2nd, 1969.

This might serve as one of the explanations to the baffling query as to why, inspite of his pronounced secularism and humanism, Gandhiji and therefore, the Congress, drew their overwhelming support from the Hindus ?<sup>33</sup> The Muslims, according to Sir Muhammad Iqbal, demanded federation because it is pre-eminently a solution of India's most difficult problem, the communal problem ... The unity of India must be sought in the negation but in the harmony and co-operation of the many.<sup>34</sup>

From Iqbal's view, the Indian Muslims formed a distinct political entity was unitary form of government is simply unthinkable in a self governing India. What is called 'residuary powers' must be left entirely to self governing states, the Central federal States exercising only those powers which are expressed in it by the free consent of federal-State'.<sup>35</sup> The policy of Muslims leaders was accordingly, directed towards the creation of as many as provinces with Muslim majorities as possible and getting a 'large share in the federal or central Indian government by virtue of the number of Muslim majority provinces.'<sup>36</sup>

33. The Indian Journal of Political Science, Vol. 30,

No. 2, April-June, 1969, pp. 103-104.

34. Mitra's Indian Annual Register, Vol. II, p. 342.

35. Ibid., 1930, op. cit., p. 346.

36. Sharma B.M., Indian Federation, Bombay, Asia, 1932, p. 236.

Another factor which went into the making of foundations of Indian federalism, was the position of Princely States in the Indian system as it developed under a British rule and growingly left the need to bring them into some sort of organic relationship with the rest of India.

The imperial Gazetteer of India described the 562 large and small 'Native' States consisting of 'territories' in India not being within His Majesty's domination, yet under his suzerainty', these States were created or maintained by the British as polity allies, islands of feudal autonomy 'scattered like recins in debatable territory'<sup>37</sup>. To use a phrase employed by Rughbrock Williams - but politically and constitutionally standing apart from 'British India'. The relationship between the Princely States and the Government of India was neither international nor constitutional.

Again, 'the control exercised by the government of India was over the States could not be said to rest on a federal basis',<sup>38</sup> while the precise limit of paramountacy was never precisely defined.<sup>39</sup> The general policy of the government

37. Philips H.C., The Imperial Gazetteer of India, London, 1948, p.126.

38. Dutt R.P., A Guide to the Problem of India, Manisha Granthyalaya, Calcutta, 1942, p.96.

39. Haksar K.N., and Panikar K.M., Federal India, Allied, Bombay, 1930, p.33.



of India was to leave the States alone in the management of their internal affairs and to limit intervention to cases of gross maladministration and serious revolts in the States concerned. Maharaja of Bikaner said that:

" in entering into any form of federation, we are naturally anxious to safeguard, ourselves and not to agree to anything endangering the future existences of the States or jeopardising their internal sovereignty and autonomy, or the due rights of their subjects, except what we might here agree voluntarily to surrender in the common interest."<sup>40</sup>

Further the Maharaja points that the whole idea of federation had arisen quicker than most people expected and therefore, it was difficult to make-up their minds as to what constituted the common interest ? The Princes were keeping an open mind on the question but they were anxious to retain their autonomy<sup>41</sup>.

Sir Tej Bahadur Sapru appealed to their patriotic sentiments:

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 40. The Butler Committee's <sup>Report</sup> dictum paramountcy must remain paramount was, if anything a complete negation of a definition.

41. Indian Round Table Conference, 12th No.1930, 19th June, 1931, p.4.

" I think the Indian princes are very much as patriotic as any one of us and I make an earnest appeal to them not to confine their vision merely to what is called 'one-third India'. I ask them to say whether at any time in history, India was so arbitrarily divided as it is now geographically; British India and Indian States. I say we are one India. Let them move forward with the vision of an India which will be a single whole, each part of which may be autonomous and may enjoy absolute independence within its own borders regulated by proper relations with the rest. I therefore, ask them to come forth on this occasion and say whether they are prepared to join an All India Federation"<sup>42</sup>;

While Indian Society is highly heterogeneous, Indian political system is remarkably homogenous. Hence, India is known for her diversities because of the factors like caste, race, religion, geography etc. An assessment of the role played by these factors point that a federal set-up was indispensable. Besides, history reveals that no Empire, however, ambitious of establishing a united rule pointed to

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42. Ibid.,p.5.

the need of unification. All these forces have shaped Indian federalism, as a result of this, Indian federalism is a federal set up with unitary trends. And this can be felt from the above mentioned factors which have shaped the federal set<sup>up</sup> which has its own unique features.

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