

SPECIAL SECTION

Unity in
Diversity

INDIA 2007



Introduction

The special section of this issue of *Federations* magazine tackles two classic themes of federal governance, diversity and inter-governmental relations, and how they shape the internal politics of several federal countries.

These eight articles address themes of central interest to practitioners of federalism. They were chosen to also appeal to the appetites of the less initiated.

The selection includes pieces on unity and diversity in Ethiopia, India, Nigeria and Switzerland, four countries who value their respective forms of diversity and have found unique ways of promoting it in order to strengthen the unity of their nations.

Cajoling and compromise drive India's multi-party system

Indian federalism bristles with paradoxes



REUTERS/JAGADESH/INDIA

Manufacturers of political party banners, flags and signs display their products before shipping them to campaign offices from their workshop in Bangalore.

The common thread is that laws have been adopted to protect certain rights of minorities.


Two of the four articles on intergovernmental relations focus on how Spain and Italy continue gradually shifting power to their constituent units, demonstrating how a certain level of conflict between the central authority and the constituent units is inevitable and no doubt necessary.

The other two pieces examine politics in India through the prism of India's fascinating multi-party system and the re-alignment of power sharing within the country.

These topics, diversity and intergovernmental relations form two of the four core themes of the Fourth International Conference on Federalism in new Delhi from Nov. 5-7, the other two being local governments and federal systems; and

fiscal federalism, the subject of a recent special section of *Federations Magazine*.

This is the year of India's Diamond Jubilee, 60 years of independence. It is thus most fitting that the International Conference, whose theme Unity in Diversity: Learning from Each Other, be held in a country whose enduring unity has been maintained through its considerable diversity. There is much to learn from the Indian experience.

We trust these articles will inform and resonate both with you our regular reader and you, the conference participant who is reading us for the first time. 

- Rod Macdonell, Senior Editor

BY ASH NARAIN ROY

INDIA IS NOT A TEXTBOOK FEDERATION. UNDER THE classic theory of federalism, it is not a federation at all. The Constitution of India does not use the term federation; rather, it describes India as “a union of states.” And yet, the country's Supreme Court has unequivocally maintained in two landmark judgments, in 1977 and 1996, that “the Indian union is federal” and “it (federalism) is the basic feature of the Constitution.” Described variously as a “federation without federalism,” quasi-federal and “a union of unequal states,” the federal system in India has often evoked lively academic debate.

India has an evolving federalism. With the advent of coalition governments in New Delhi, India has shed the straightjacket of the unitary colonial regime it inherited and operated under in the initial years of independence. Indian federalism has moved beyond textbook formulations; it bristles with many paradoxes.

The success of Indian democracy and federalism has many roots. India is a state built on ancient civilizations but its democratic institutions have adapted well to modern and post-modern realities. The development of the Indian political system during the six decades after independence has given it a measure of strength and stability. Unlike most post-colonial states, India's basic constitutional and political framework remains that which became operational soon after independence.

Indian federalism is a judicious blend of rigidity and flexibility. The basic structure of the Constitution cannot be easily changed. Certain changes in the Constitution require a two-thirds majority in Parliament, besides being ratified by not less than half of state legislatures. There are also cases, including the formation of new states, which require approval of a simple majority in Parliament. Thus, the Indian Constitution allows for change and evolution through its amending formulas. By 2006, it had been amended 96 times.

Ash Narain Roy is the associate director of the Institute of Social Sciences, New Delhi.

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Independence and evolution

The existing federal system in India has deep historical roots. The British Crown, the rulers of the princely states and the independence movement leaders each saw federalism in a good light for different reasons. To the British, the federal formula was the best guarantee of their trading interests. The rulers of Indian princely states – local hereditary rulers within British colonial India – welcomed such a framework as they could retain their autocratic powers. And freedom movement leaders thought federalism offered the best possibility of an early realization of their goal of political freedom and as a compromise to prevent the partition of India along communal lines. For the Muslim League, federation could only be considered a stepping-stone toward a sovereign Pakistan.

India's Constituent Assembly was ready to frame a federal constitution when it first met in 1946 and early 1947. However, the announcement of the Mountbatten Plan, outlining the partition of India, changed the mood of the country in favour of a strong central authority. Overnight, federalism became suspect in the eyes of the constitution makers.

After the partition of India and independence in 1947 there was sectarian violence of an unprecedented scale accompanied by a huge exchange of populations between the two countries. What loomed large at that critical moment for India was not federalism, but national unity and integration. The constitution makers did not abandon the federal idea as such, but rather vested the central government with extraordinary powers. Thus India became a union of states.

The Congress system

Ironically, independent India has always been a federation despite the silence of the Constitution in this regard. During the period of one-party domination by the Congress Party, which Indians have named “the Congress system,” India remained what former Supreme Court judge V.R. Krishna Iyer calls “unitary at the whim of the Union and federal at the pleasure of

[PLEASE TURN TO PAGE 22]

INDIA [FROM PAGE 7]

the Centre.” However, with the weakening of the Congress system and the rise of regional parties, Indian political leaders realized that the federal system was the bedrock of India’s democratic edifice.

One-party dominance had its share of unhealthy influence on the federal body politic. Such was the obsession with strong federal government that regional movements and identity aspirations became a sort of anathema to the Indian state. Yet, the States Reorganization Act of 1956 paved the way for the creation of linguistic states, which stymied many demands for autonomy. While southern India burned over the perceived imposition of the Hindi language in the 1960s, there were ethnic stirrings in the northeast and subnational uprisings. Some movements bordered on secessionism, while the ethnic upsurge was primarily the result of an accrued sense of neglect and alienation. The 1980s saw three autonomy movements, in Punjab, Assam and Kashmir.

Leaders in the Congress Party warned that having strong states would entail a weak central government, and vice-versa. If the country was weak and drifting in the late 1970s and 1980s, they argued, it was the result of regional demands for autonomy. Such an argument could be considered misleading as it sidestepped the central issue of distribution of powers.

The end of one-party rule

The transformation of India from a dominant-party to a multi-party system has strengthened federalism. Although the Congress Party remains a major player, India operates with a multi-party system that includes the Bharatiya Janata Party (BJP) and many state-based parties. Since 1996, regional parties have become important constituents of each federal coalition. Gone are the days of one-party rule.

Three combinations of coalition governments have held power: the non-BJP, non-Congress-led United Front, supported from outside by the Congress Party (1996-98); the BJP-led National Democratic Alliance (1998-2004); and the present Congress-led United Progressive Alliance (since 2004). The United Front government’s alternative model of governance, with its devolution of greater economic and administrative autonomy to states, set the tone for change in the federal polity. Coalition governments have come to stay and India has learned to live with this. With their commitment to granting greater autonomy to states and transferring the bulk of centrally-sponsored programs to state governments, regional parties have successfully advanced the cause of federalism.

The Indian federal system has to go through frequent negotiations between the centralists and seekers of autonomy, and between federal and state governments. There have been repeated revisions of the Constitution and frequently the failure of talks and accords. It is through such constant churning that India’s federal system has matured. In the early days of

independence, demands for autonomy were viewed increasingly as divisive and secessionist. Today, parties that made such demands hold important levers of power in the present coalition government.

A changed federal system

India has moved a long way from co-operative federalism, where states and the central government jointly plan and carry out programs, to competitive federalism – where individual states compete in terms of services offered, including lower tax bases. The country still has a strong central government, but it does not have the same clout as it once wielded in the days when Congress was the dominant party.


In today’s multi-party coalition, the central government often has to cajole and negotiate with the states where it would once have bullied its way through. As well, there have been occasions when a state government has taken on the central government and defied its will. The arrest of two central ministers by the Tamil Nadu government in 2001 illustrates the extreme end of the new transformation. On June 29 and June 30, 2001, Tamil Nadu chief minister J. Jayalalitha got her long-time rival and former chief minister M. Karunanidhi arrested along with two central ministers, Murasali Maran and T. R. Balu. It was an act of political vendetta. A nationwide outcry got them released on July 2.

As Susanne Hoerber Rudolf and Lloyd Rudolf write, “the states are making themselves heard and felt politically and

economically more than they ever have.” India is moving from administrative federalism toward multi-level political federalism. Through the 73rd and 74th constitutional amendments, a third tier of governance has been created. These 1993 amendments to the Indian Constitution provided the framework for introducing a third tier of elected councils in rural and urban areas. They also provided for reserving at least one-third of elected seats in councils for women. Today, many previously excluded groups and communities are included. But the biggest impact of the 73rd and 74th amendments is on local governance,

which moved beyond the exclusive control of central and state governments.

Economic reforms have given a new lease on life to states, and there has been a gradual shift of power away from the central government. With the end of one-party rule and the advent of coalition governments, India is moving toward a polity that permits the emergence of strong states with a strong centre, accompanied by increasingly assertive local governments.

With 22 official languages, a population of 1.1 billion, more than five major religions and a geography ranging from mountain ranges to rain forests to flatlands, it is hard to imagine India as anything but a federal country. Had the Indian Constitution been shorn of its federal provisions, India probably would have had to adopt federalism simply to survive. In the past 60 years, federalism has changed the grammar of Indian politics. 



In run-up to Indian elections, cookies are sold with party symbols. Clockwise from top left: Congress Party, Bharatiya Janata Party, Tinamool Congress and Communist Party (Marxist).