India is the largest democracy in the world. It is due to the number of people live in this country. India won her independence through a well organised nationalist struggle. Before achieving independence the political elites in the country were trained as per the principles and practices of the western democracies. Before it wrote its Constitution the other such documents had an impact upon the political mind of India. The western brand of the representative government was mostly accepted and for the political parties, high profile institutions, electoral system, federal scheme, parliamentary form of government and above all bill of rights were put into one basket which gave us the Constitution of India becoming effective from twentysixth of January, nineteen hundred and fifty.

During the nationalist struggle, the Father of the Nation M.K. Gandhi provided a new ethos which opted for gram swaraj and swadeshi economic model. He had understood the pulse of the nation and the western brand of democracy which encourages cut throat competition expected to wreck the political structure from within. He suggested for direct election only at the lower most level and the next four layers (mandal, zilla, rajya and rastra) to have indirect election. The poverty and illiteracy of the country were seen as major threat to political process. The country had already plunged into caste and religion based political differences leading to partition and after independence there was rise of regional and language conflicts. The country after independence became victim to all these.

The Constituent Assembly was composed of people majority of which was from one set of political thinking and they were not elected by the people of India but indirectly chosen by different provincial legislatures. Despite good beginning and well spelt out objectives, the existing political environment impacted upon the Constitution framing. The end of World War II, origin of cold war, communal hatred leading to partition of India, mischievous British policy towards princely states, socio-economic conditions of newly born India had visible impact leading to go for a parliamentary form of Government with a federal system. Though we borrowed these two systems from British and American polities, yet we were far away from the spirit and prophecies of those models. In Great Britain there was parliamentary sovereignty and they did not have a codified Constitution. We have to write our Constitution which became the

Conflicts in Indian Polity : Revisiting India's Federal System

Prof. Surya Narayan Misra
The United States was the first country to provide a federal system. But their own genius contributed to a model which provided strong center with strong states. The thirteen stripes and fifty stars were the symbol of popular approval of their system.

When we wrote our Constitution, the impact of Government of India Act was writ large. Our familiarity with parliamentary practices which provided a responsible and accountable government was naturally thought to be better than the irresponsible model of the United States. But in reality we wanted to accommodate personalities where the concept of Head of the State (President) and Head of the Government (Prime Minister) were created. Like the British king/queen our President was made nominal head.

In a Parliamentary system, the executive is a part of the legislature and is removable by the later also. The executive in India ran the show under a liberal nationalist Nehru who could carry the political opposition with understanding and agreement. He ran into difficulty due to our poor show in border conflict with China and for the first time a no-confidence motion was tabled against his government. Since 1966 we got an aggressive Head of the Government who distanced India from USA and came closer to USSR. The 1971 war with Pakistan had accorded international recognition to India but national scenario deteriorated due to price rise, unemployment and rise of agitational politics which led the government to impose national emergency and press censorship.

The post-emergency political conflict was between freedom versus order and in 1977 the first non-Congress Government was elected to power. The Janata Experiment and the political confusion brought back Congress Government under Mrs. Gandhi which had two splits in 1969 and 1978. The sad assassination of the Prime Minister exposed the conflict relating to religion, language and militarism initiated under Anandpur Sahib Resolution. Justice R.S. Sarkaria Commission was appointed to examine centre-state relations and the report was given in 1988. Before the conflict was managed ethnic conflict in Sri Lanka and India’s sending of IPKF to Sri Lanka irritated LTTE and Rajiv Gandhi fell victim to assassination when the country was half way through a mid-term election. Over national language the then Madras took assertive sub-nationalism in 1965 and Hindi could not become the sole national language. Since 1967 Congress is trying to return to power in Madras (now Tamilnadu) and the Tamil issue experienced dismissal of Karunanidhi Government by the use of Article 365 by the then Chandrasekhar Government.

In 1991 midterm election the signs of cracks in our democratic appeared through political instability. In fact the election held under a peculiar circumstances in 1984 was a decisive one. The post – 1996 era brought coalition governments under NDA and UPA. This period internalised the alliance politics and its successes through coalition governments at the centre. Congress which was critical of coalition Governments ultimately worked out a post-election UPA formation and headed the Government in two successive elections. The decline of National Parties and rise of Regional Parties changed the intent and content of political process in the country. During the seven decades of politics in the country we have experienced bitterness in the legislative politics, worsening of relation between legislature and executive,
legislature – judiciary tension and on the whole sickening developments with regard to center-state relations. In this piece of write up, I have taken up the center – state relations as a conflict zone and tried to look at our federal system and process.

II

USA is the first federation in the world. Today there are twenty-five federations. These are of various incarnations. Federation is a dual polity. It is a method of promoting self-rule and shared-rule and of balancing the interests of a nation with that of its regions. According to a political analyst, a durable federal design aims at the contradictory goals of reconciling freedom with cohesion and a diversity of political cultures and identities with effective collective action.

Federal system in India was observed indirectly in the Indian Councils Act, 1861 which provided that Governor General at Bengal will have all India jurisdiction and two Governors at Bombay and Madras shall have territorial jurisdiction. However, after the failure of Mont-Ford Dyarchy and the provision of Provincial Autonomy replacing diarchy of 1919 by the Government of India Act, 1935 an All India Federation with the lists for distribution of powers between the center and provinces the idea could be understood. Of course, the provision could not be implemented due to opposition from Congress and the Second World War.

Theoretically speaking, a federal system is the constitutional arrangement that gives federalism its institutional form (Mitra). It is typically identified with the existence of four institutional features: two sets of government, written Constitution, distribution of power between the two and a judiciary to arbitrate into dispute between centre and State or States and/or states among themselves. All these features are available in the Indian Political System. Thus, India is a federation, though Article 1 of the Constitution reads – India, that is, Bharat shall be Union of States.

Mitra opines that “the framers of the Indian Constitution were keen on federalism as a functional instrument for the creation of an Indian nation and a strong cohesive state.” The fragile nature of the newly born state with internal disharmony and external threat linked with passion for development with democracy and poverty eradication, favoured a strong center with weak states unlike the American system of strong center with strong states.

To achieve this objective, a centralised planning system was put into action and the States enjoyed limited fiscal autonomy. The one party dominant model could arrest the rising ambitions of the local/regional leaders who could swallow the humiliating central predominance through planning, allocations, currency, communication, amendment of the Constitution and also the provision of institution of Governors as the agents of the center. The Fourth General Elections of 1967 caused eye-brow raising situation with Congress Government at the center with survival majority and more than half a dozen states having non-Congress ministries. The Central Government in order to fulfil the growing demand and aspirations of the states used political means than constitutional methods of looking at the federal model of unionised-Federation. The office of the Governor was used to fulfil central ambitions and the use of Article 356 became handy. It was not used as medicine as suggested by Ambedkar.
Thus, the first phase of federalisation of the political process (1950-1965) experienced the love for democracy by Nehru and Shastri and the relationship between both the units were cordial the second phase commenced after 1967 with the political scenario explained above. The Congress split in 1969 effected change in Congress strategy towards the states having non-Congress Governments. Due to this authoritarian attitude of the central leadership harmed the federal balance which was skillfully developed during the first phase. The national emergency of 1975 reduced India's federal order into a unitary order. The states were reduced to the status of municipalities.

In late 1980s the political scenario was changed again to provide greater scope and bigger space to the regional parties and their leaders. DMK in Tamilnadu, Akali Dal in Panjab, RJD in Bihar and SP in UP adopted assertive regionalism. An era of instability at the center emerged and the two major national parties: Congress and BJP were forced to form coalition governments at the center stage : NDA and UPA. Both the combinations have laboured hard to retain their sway over the states. Now NDA-II (BJP led coalition) is in mad haunt to saffronise the entire country and till end of 2017 they have achieved this goal of unseating congress from one state to another. Does it mean federalization or return to one party dominant system with a hostile opposition.

III

In this section an analysis of political economy of federalism in India is done. The Constitution has provided a detailed picture of power, role and the consequential responsibilities of both the center and the states. It intended to create a centralized federal structure. This centralized thrust was in response to historical and contemporary threat to internal divisiveness and external aggregations menacing national unity. This continued during the one party dominant era and the internal cracks came up after rise of multi party system.

The 1989 election brought a political paradigm shift in Indian politics. We observed federal coalition government and a variegated State party system with different pattern of linkages with the national party system. "A series of paradigm shifts in economic policies, inter-community relations, and foreign and defense policies followed in the decades since 1989, e.g MANDALISATION since 1990, MARKETISATION since 1991, HINDUTVASATION since 1992 and the INDO-US CIVILIAN NUCLEAR DEAL in 2009 etc, that have transformed the Indian political scene beyond recognition. The net effect of all these factors and forces has been an increasing federalisation and / or regionalisation of Indian politics due to greater autonomy to the State governments, private sector, civil society institutions and local political systems."(SINGH)

If 1991 is taken as a dividing line in terms of shift in economic policy towards business liberalism, a lot has to be internalized with regard to functioning of the federal system. It has increased inter-State competition for both domestic and foreign private investment. It accorded a new environment for the States to take decisions and an entrepreneur kind of political leadership could grow. Thus by the beginning of the new millennium States like-Maharastra, Andhra and Karnataka saw their political leaders emerging frontranking players in India's federal market economy.
Atul Kohli (2009) had made a classification of states on the range of variation in characteristics and performances. He had placed Kerala and West Bengal as SOCIAL DEMOCRATIC States, Gujarat and Andhra as DEVELOPMENTAL STATE and Bihar and UP as NEOPATRIMONIAL States. In this classification the last category represent backward states of UP and Bihar who under different regimes suffered breakdown or economic stagnation and strong neopatrimonial tendencies and trends. Whereas left front ruled states made notable redistribution or egalitarian impact on poverty and Social Sector development. Gujarat and Andhra have sought to be developmental in neo-liberal capitalist sense.

Conclusion

India is passing through a critical phase of its political life. The choice for a federal system was inevitable. But the original intent and the contemporary content are over politicised today. Each political party has the intention of staying in power. Awareness, literary, local issues, developmental deficits and campaign strategies have visible impact today on nature of politics and political fortunes of the parties and their leaders. As for example Congress led coalition (UPA) consumed ten valuable years from 2004 to 2014. It was rejected by the Voters and it was reduced to a position of 44 from 2008 in 2014 election. Instead of soul searching and locating own mistakes it engaged itself in a peculiar stand due to its numerical majority in Rajya Sabha. In the process it was targeted by the ruling BJP and election after election have gone against Congress. The 2014 election was expected to improve the status of States as the new Prime Minister as Chief Minister of a State over a decade had identified the irritant provisions of our federal system. The attitude of the Congress provoked BJP to saffronise the whole country. It is going to do harm to the States and the basic principles of federation. In the past we have gone through the observations of Raj Mannar, Ashok Mitra, Sarkaria and Punthi Commissions/Committees suggesting changes in the existing Center-State relations. But they have now become museum items having archival importance. It is now time to ponder over the federal system and the root causes of systemic failures. Since federation stands for self rule as well as shared rule, the irritant aspects need to be resorted out and our constitutional order in this aspect must give way to the growing demands of the Units than that of the center. Neither one party dominant system under congress then and BJP now had contributed or shall contribute the initial project of nation-building and State formation in India.

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