



# Indian Federalism and Coalition Politics

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The Lokpal Bill has exposed the innerside of party politics in India. During the winter session the Lokpal and Lokayukta Bill was introduced in the Lok Sabha. For the introduction of the Bill there was visible pressure of the 'Anna Team' and the 'Fast Politics' had decided the party and public opinion in the country. Anna's demand was for a strong Jan Lokpal to root out corruption in the different layers of the decision making system. After prolonged discussion between the Standing Committee and the Anna Team the Lokpal issue became the most heated and hated controversy. The Congress leadership of the UPA group wanted a constitutional status for Lokpal for which amendment of the Constitution was a necessity. The Bill also had a component for the institution of Lokayukta for the states, over which the coalition nature of the Indian politics found its bitterest outburst in both the debates held in Lok Sabha and Rajya Sabha. The Trinamul Congress of UPA and BJD were most critical over the Indian Parliament's attempt to subvert the federal balance in the Constitution. The Congress leadership took shelter under the provision available in the Legislative relation between Union and the states to give effect to international agreements. The voice of the states was echoed by the BJP who wished the Bill to be discussed under some other provision which was a dilatory move to put the

Congress into an embarrassing situation for not passing the Lokpal Bill. The politics crossed all its limits in Rajya Sabha and the inevitable happened. In the name of Federal structure, principle and balance the coalition politics in the country forgot all kinds of Constitutional principles and proprieties. In this background it has become necessary to have a fresh look at the structure, nature and compulsions of the Indian federal system.

The basic essence of federalism is the notion of two or more orders of government combining the elements of 'shared rule' for some purpose and regional 'self rule' for others. It is based on the objective of combining unity and diversity. This means accommodating, preserving and promoting distinct identities within a larger political union.

The structural characteristics generally common to federations are - (a) Two orders of government each acting directly on their citizens, (b) A formal Constitutional distribution of legislative and executive authority and allocation of revenue resources between the orders of government ensuring some areas of genuine autonomy for each other, (c) provision for designated representation of distinct regional views within the federal policy-making institutions,



usually provided by a federal second chamber composed of representatives of the Units, (d) A Supreme Written Constitution where federal provisions are to be amended by the consent of both (significant proportion of Constituent Units), (e) an Umpire (Supreme Court) to rule on interpretation or valid application of the constitution; and (f) processes and institutions to facilitate inter-state relations.

The Indian federal system, unlike other major federations, is tilted towards the Union, because of the fact that primacy and supremacy was vested in the Union. This led to the statement by few commentators that there is "Unionised federation" in India. The distribution of powers between the Union and States are undemocratically done as the Union is given more weight in the scheme of things. The Central order is more visible than the State image. The provisions relating to the appointment of Governor, the amendment of the Constitution, the draconian law like imposition of President's Rule in the States, the CRP, CISF and BSF matters and other fiscal provisions are unfederal in nature.

The one-party dominant era could consume the Central dominance and we toyed with the idea of 'Cooperative Federalism'. But the electoral dynamics of the country and the new political compulsions appeared after the fourth general elections of 1967 exposed the tension areas of the Indian federal system. The DMK government in Tamilnadu, Left Front in West Bengal and other non-Congress dispensations raised the bogey of 'Fiscal imbalance', 'central misrule', 'politics of planning', 'impartial governor' and 'fair deal to the States' etc. These could not disturb the political balance till the Congress had majority and there was lack of understanding among the non-Congress Opposition Parties. The first non-Congress government at New Delhi

attempted to have a re-look at the Federal system but it could not achieve success. During the Janata Party rule at the Centre the rise of new regional parties and the existing tirade against central dominance could experience the demand for autonomy by the States like West Bengal, Tamilnadu, Punjab, J & K etc. Again the political scenario in the country was changed in 1989. This ushered in the Coalition era in the Indian politics. The political map of the country was drastically changed and Congress had a symbolic presence with only 30 % of the country under its political control. The beginning of 1990s could experience the Constitution of Inter-state Council under Article-263 for the first time. Some of the political allegations of use of electronic media and Election Commission also found a positive climate for discussion at the national level. This could see the Prasar Bharti Act and multi-member election commission in operation later.

There was a basic difference between 1977 and post-1984. The difference was combined opposition and combination of opposite parties. The other character was non-Congress government and Coalition government. The new situation gave political advantage to the regional parties and their leaders. The concept of regional aspirations could be experienced in elections held after 1989. The new political equations could promote a fresh federal agenda. It came at a time when the thrust of the country's economic reform process had shifted from the centre to the States. Gone were the days when Chief Ministers were chosen by the Prime Minister. A situation arose since 1989 for about two decades when opinion and role of Chief Ministers became important in the process of selection of Prime Ministers.

A cursory glance over the attitude of the major political parties towards the structure and nature of our federation gives us the idea that the



Congress and BJP were in favour of a strong Centre and the Left Parties preferred removal of all injustice and discrimination against the States. The Left also demanded more autonomy for the States. The DMK emphasised the need for the preservation of State's rights without infringement by the Centre. It also demanded a constitutional amendment to vest residuary powers in the states. The Akali Dal pleaded for autonomous states with Centre retaining the federal functions in respect of Defence, External Affairs, Communication and Railways. The Janata Party and its various incarnations believed in a political system based on the principles of decentralisation of economic and political power. Thus the stand taken by national parties and other important regional parties have given rise to three peculiar federal vision. The Congress believed in status-quo. The BJP needed a strong Centre but urged changes in the centre-state relations. Others are for recasting of the whole issue of federal structure. In this background the opinion of the Sarkaria Commission Report (1988) is important. The Commission made 247 recommendations to improve centre-state relations. It suggested 12 amendments to the Constitution and 20 new legislations. Majority of the recommendations were put in the cold storage as the party which appointed the Commission lost its power, glory and strength and as such found it difficult to implement them. The Inter-State Council in its meetings have examined 230 out of 247 recommendations. The changed political climate could not take appropriate action.

It is to be remembered that the study of Indian federalism had been basically shaped by the juridical approach by scholars like A.V. Dicey and K.C. Wheare. The viewpoint has promoted legal orientation to the analysis. The publication of the book 'Federalism and Constitutional change' by William S. Livingston led to new

thinking on federalism all over the world. According to Livingstone the essence of federalism lies not in the institutional structure but in the society itself. Federal Government is a device by which the federal qualities of the society are articulated and protected. Ivo D. Duchacek mentions, it is now recognised that federation is shaped by the political culture of each nation. He also observed that a federal national is an unfinished nation.

The noted constitutional authority, Durga Das Basu wrote that Constitution of India is basically federal, but of course with striking unitary features. According to Nani Palkivala, Indian Constitution provides for a cooperative federalism among states with a bias in favour of the Centre. He was of the view that if the Constitution is worked in the right spirit, there would be no need to consider any amendment as far as centre-state relation is concerned. He further said that the problem has arisen to-day in an acute form because over a period of years the Centre has acted in a manner in which at best has been contrary to the spirit of the Constitution. Article-1 of the Constitution mentioned that 'India, that is, Bharat shall be Union of States'. If this article is analysed it provides the message that there should be more of cooperation and understanding than the concept of domination and conflict.

The conflict that occurred in the Indian Federal process are due to the conflict between party in the power at the Centre and the parties in opposition to it which control some of the states. In all federal system, and, in particular, what are called polyethnic unions there is a conflict of values between those of the nation and the sub-nations which constitute the Union.

Nayar (1986) in one of his research papers on Indian Federalism made an analysis of



the conflicts in the federal process. He was of the view that the conflict of values leads inevitably to an analysis of the federal culture of India as well as the political culture of the regions. The values of federal culture have been shaped by nationalism as well as by the institutional legacy of the British rule. In fact the Constitution of India was framed accepting Centre-State relations as provided under 1935 Act. The All India services were retained giving some amount of administrative control over the civil service of the states. The defence services have been considerably strengthened giving them a strong national character. The higher judiciary is much more unified than the case of the British era. It is in the area of economic development which the British neglected, it was taken up by the Union through the planned economic development by the Planning Commission. The whole concept of social development was overlooked in the Act of 1935 as it was the brain child of a conservative government which intended the social development to be processed out of the resources of the provinces.

Eversince the British control over India commenced in 1858, the British interest had some open actions and few hidden agenda. Accordingly political reforms were promoted. By 1935 they sensed the popular wrath and sincerely wished a federation where the Central government would protect British interest and the provincial governments would meet peoples needs. The 1935 Act went so far as to give responsible government at the federal level while retaining defence and foreign affairs in the hands of the Viceroy. The federal culture of the British rule was based on India's subordination to White Hall, the domination of an all powerful Viceroy, the control of the Indian armed forces by the British, the presence of the British garrisons in India and the

presence of All-India services with a substantial British component. The federal values were faith in the invincibility of the British empire, belief in the supremacy of the British administrative system, in the integrity of the higher class of civil servants, and in the impartiality of the judicial system. There was also cultural influence exerted on the Indian elite by the English language, the study of the western political philosophy and British political institutions. Above everything there was image of a powerful Centre, with all powers concentrated in the executive exercising a direct influence over the provinces through the Provincial Governors and having paramountcy over the princely states exercised through the Indian Political Service.

On the other hand, the post-independence Indian federal culture was based upon nationalism. Because of the partition of India, the Constituent Assembly could not face any federation related problems and the princely states had to merge and unite with the Indian Union. India could have proposed for a Unitary model but it preferred a status quo. There was a feeling that with the Congress Party in power in the states and federal centre the forces of nationalism had triumphed all over India. The Congress model of nationalism was based on nineteenth century liberalism with its commitment to representative institutions and periodic elections and Gandhism which created symbols of nationalism such as adoption of Hindi as the national language, rural upliftment and programmes of development for the under-privileged castes and tribes.

The scheme of things moved properly during first few decades of our federal journey. The changing map at the state level and the emergence of new political forces and their proximity with people through promises and threat created a new anti-federal wave. The natural end



was end of the Congress rule at the Centre and Congress learning the coalition behaviour. The party which played both visible and invisible role to disturb political stability of coalition governments in different states is now testing the bitter sweet of coalition at the central level. The electoral arithmetic has not provided a strong coalition and the dependency syndrome on the coalition partners has pushed the Congress Party and its leadership to various types of concession, understanding and accommodation. In the process, few established constitutional values have been affected, for example, the collective responsibility at the governance level. The coalition partners in house and outside behaviour may entertain people by all kinds of media presentation but it eats away the vitals of constitutional democracy and sends wrong messages to the people.

India needs a strong Centre with strong States. The constitutional model precludes this

aspect. We may face fresh tremors in future unless necessary amendments or mending of political culture are done. India is pluri-cultural in essence and substance. It has to maintain this fact while progressing under the parliamentary democratic order with sharing of power with the states.

### Suggested Readings -

1. W.H. Morris - Jones - The Government and Politics of India (1974)
2. K.C. Wheare - Federal Government (1956)
3. I.D. Duchacek - Comparative Federalism (1970)
4. G.W. Sawyer - Modern Federalism (1969)
5. Surjit Mansingh - India's Search for Power (1984)

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