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Indian Federalism and Tendency of Regionalism in the Present Scenario

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Abstract: ***Indian federalism is a major output of the 1918 Montague Chemsford Report and the 1929 Simon Commission Report strongly argued for decentralization of authorities among the constituent provinces as perhaps the best administration device in politically – fragmented and strife ridden India. Further, the second serious intervention happened to be the Government of India Act, 1935 that provided for the distribution of legislative jurisdiction with the three fold division of powers into federal, provincial and concurrent lists. The most remarkable feature of this act was that it envisaged a federation of India consisting of the British provinces and Indian states willing to join. Therefore, when the new constitution came into existence, India adopted most of the features of this act. Furthermore, K.C. Wheare called it a quasi federation and thus deviated from the classical model of regional and sub-regional autonomy. That is why; Indian Federation is a union of states which is indestructible. Thus, the present paper aims at to highlight the nature of Indian federalism and the tendency of regionalism at present in it."***

Keywords: Constitution, Union of States, Federalism, Quasi-Federal, Concurrent List, Regional Autonomy.

Introduction: Article-1 of the Indian Constitution says that India is a '***Union of States.***' Thus, the Indian Constitution does not declare itself as a '***Federation***'. In fact, nowhere in the Constitution the term ***'Federation'*** has been used. Instead of it the term '***Union***' has been used. The dictionary meaning of '***Union'*** is uniting or being united. Thus, the emphasis is on unity while the federation is a system of government in which unity and diversity are both taken into consideration and a balance between the two is sought. While moving, the '***Draft Constitution'*** on November 4, 1948 in the Constituent Assembly Dr. B.R. Ambedkar explained why the term '***Union***' instead of federation was used. He said, "***The Drafting Committee wanted to make it clear that though India was to be a federation, the federation was not the result of an agreement by the States to join in a federation, and that the federation not being the result of an***

agreement, no State has a right to separate from it. The federation is a union because it is indestructible. Though the country and the people may be divided into different States for convenience of administration, the country is one integral whole, its people a single people living under a single emporium derived from a single source. The Drafting Committee thought that it was better to make it clear at the outset rather than to leave it to speculation or to dispute."

Need of Strong Centre: Here it is needless to say that the decision to make the centre stronger at the expense of the states was neither prudent nor foresighted. Even the earlier notion of conceding autonomy to the states only in order to satisfy the political sentiments of the vocal Muslim religious minority was incorrect in as much as it did not take into account the prevalence of other diversities in the sub-continent. It should be remembered that India has been throughout ages an essentially plural society. It had not only religious but also ethnic, linguistic and cultural minorities. The sub-continent was full of regional, racial and religious diversities and, hence, the idea of granting autonomy to units did not become irrelevant after partition. The creation of Pakistan did not make the principle of federalism irrelevant in India. Small wonder, within a decade of achieving independence Indian states had to be recognized on linguistic basis.

Furthermore, several states raised the issue of autonomy, some on linguistic considerations and others on religious or ethnic grounds. The D.M.K. demand for autonomy for the Tamils and Sikhs' demand for separate statehood for Sikhs within the framework of Indian Union, couched in linguistic terminology were in essence ethnic and religious demands respectively. So also the demand by Kashmiris to retain their distinctiveness is rooted in religious considerations. Of late, a similar demand has been made by the United Front Government, headed by JyotiBasu in West Bengal to review the centre-states ties in India with a view to giving greater powers to the states. The demand has distinctively political and administrative overtones. Whatever may be the nature of such demands, none views them with alarm or anxiety now as in the earlier days of freedom when they were looked upon with great suspicion. People are showily coming round the view that the state system consulting the intra-structure of Indian federalism must be strengthened, if the centre is to remain really strong.

There is a very strong note of centralism in our Constitution. In this connection Prof. K.T.Shah observed that the Indian States are just 'glorified municipalities' and nothing else. This remark appears to be exaggerated because municipalities have only delegated power. They do not drive any power directly from the Constitution. Moreover, the federal scheme is not disturbed during normal times and the autonomous status of the State is respected. It is only during an emergency that the Centre interferes with the autonomy of the States and even during this period the separate identity of the states is not altogether lost. The executive and the Legislature of the States continue to function but the Union also acquires concurrent power in the State field.

However, centralism is not peculiar to India. It is a feature of all the federations of the entire world. Even in the American federation there are evident signs of centralization. The states are gradually surrendering more and more powers to the Centre in the larger interest of the people and the nation. Modern states are undertaking many programmes of social and economic development. The modern state is more positive and it is a welfare state. This has been responsible for the development of centralism. Further, needs of uniform planning and policy have added to the powers of the Central Government. Economic and strategic considerations have also been responsible for the increased power of the Centre. Referring to the development of centralism, Sri C.P.RamaswamiIyer observed: "***What notwithstanding the fiercely avowed intentions and policies of the founders of the American Constitution, has taken place in the United States and what local and provincial patriotism have been unable to prevent in Canada and Australia, has not been statutorily formulated in India***."

Further, generally speaking, whether a political system is federal or not is determined by these five criteria which are as:

- **Dual or Two Sets of Government-** One at the Centre, national or federal and the other at state or provincial levels.
- **Written Constitution** – List of distribution of powers though the residuary powers generally rest with the federal government.
- **Supremacy of the Constitution.**
- **Rigidity of the Constitution** – The Constitution can be amended by a special majority followed by ratification by at least half of the

states, barring 'the basic structure' of the Constitution.

- **The Authority of the Courts:**As regards the interpretation of the constitutional provisions.

Therefore, in the light of the above criteria, there was no doubt that the founding fathers preferred federalism in its true spirit and yet what emerged after the deliberations in the Constituent Assembly was a unique form, adapted to the Indian context. As Ambedkar argued, the draft constitution contained provisions that provide for both federal and unitary forms of government. In normal times it is framed to work as a federal system as stated by Ambedkar in the Constituent Assembly.

Tendency of Regionalism in Indian Federalism: Most of the scholars assume the fact that Indian Federalism has many tendencies emerging after 1989, but regionalism is one of them. '***Regionalism means love for a particular region or State in preference to the country as a whole'***. This feeling may arise either due to the continuous neglect of a particular area or region by the ruling authorities or it may spring as a result of increasing political awareness of the hitherto backward areas which may have been discriminated against for various reasons. Further, regionalism has often been considered both as a tendency and as a doctrine, which may convey many hypothetical possibilities:

- Decentralization of administration on a regional basis.
- A socio-cultural counter-movement against the imposing of a monolithic national unity.
- A political counter-movement aiming to achieve greater autonomy.
- Tendency for separation.

Furthermore, its tendency may be observed in many forms. Some of them are:

- **Demand for Separate Statehood**: The fact is that bifurcation of Bombay State, Punjab, demand for separate Vidarbha State and reorganization of Assam State, the Gorkha National Liberation Fronts' demand for the bifurcation of Gorkha Land (Darjeeling) from West Bengal is to be treated as a State are certain cases in this point or demand for separate statehood.
- **Demand for Full-Fledged Statehood:** Furthermore, the regionalism in India has made its appearance in another form like the demand for a full-fledged statehood. After the passing of the ***States Reorganization Act***, there were two

categories of units in the country, viz, the States and Union Territories. Regionalism found its expression in the latter also when Union Territories became so intense that with the passage of time the Union Territories of Himachal Pradesh, Manipur, Tripura, Mizoram and Arunachal Pradesh got full Statehood. The Union Territory of Delhi also raised a cry that in view of its large population and financial viability, it should also be made a full-fledged State. But the Union Government turned down their demand, mainly on the ground that Delhi was the Country's capital and separate statehood for it would not be in the national interest. But now Delhi has been conferred statehood. The demand for full-fledged statehood was also raised by the Union Territory of Goa which took a violent turn in Goa, and this in turn led to the deployment of army there. Now even Goa has been conferred statehood. Subsequently, today there are 29 states in Indian federalism. It is also a well-known fact that recently in 2014 Telangana emerged as 29th State of Indian federal system.

- **Inter –State Disputes**: Finally, we cannot ignore the fact that the regional tendencies in India have manifested themselves in the shape of inter-State disputes. There are some of the prominent Inter-State disputes which still remain unsolved. For instance, dispute over Chandigarh between Punjab and Haryana, and the Maharashtra and Karnataka boundary dispute. Besides these, there are other disputes also like the dispute regarding the use of water resources of the three rivers namely, Narmada, Krishna and Cauvery, in which the States of Madhya Pradesh, Rajasthan, Gujarat and Maharashtra were involved. Another dispute arose among the States of Maharashtra, Karnataka and Andhra Pradesh over the use of and distribution of waters of the Krishna River and at present, there has been a rift between Karnataka and Andhra Pr adesh over Telgu Ganga Project. Like the above, there are some inter-state disputes in Indian federalism which may be observed in the present political scenario and they may be harmful for Indian integrity and unity of the nation.

Conclusion: To conclude, we can trace out that in a federal system what is important as to how powers are distributed between the Central government and the state governments.

The aim of the distribution of power is to establish a structure that can achieve general welfare of the masses. The established principle of division of powers between Central and the state government is that the functions which are of common interest to the federation as a whole and which require uniform rules are placed under the jurisdiction of the federal government. While all other matters which touch only local interests are left for the state governments. Here, it is an urgent need to say that centre should be strong to face the problem of regionalism. Though, regionalism is an essential coordinate of federalism. It is, therefore, a natural phenomenon in a society that is not only plural but also federal in its organization. It is however, the operation of regional parties that provides strength to the various forces of regionalism. But, regional aspirations should remain within a limit, otherwise, it may lead dangerous and far reaching consequences for our national integration and unity. Nevertheless, we cannot ignore the fact that the tendency of regionalism may be treated as a doctrine of our federal system which may cause both sufferings and strength of federal relations in India.

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