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**Dr. Tara Devi**  
Assist. Prof., Department of  
Political Science, S.G.G.S  
Khalsa College, Mahilpur,  
Punjab, India

## Dynamic Nature of Indian Federalism

**Dr. Tara Devi**

### Abstract

Since independence, for four decades, India under One-party dominant system, which was seen as a unitary government. It is observed that national parties tend to lead to centralization of powers. The growth of regional parties must therefore be seen as mainly the out-come of over-centralization by national leaders and government. The need for a truly decentralized federal polity has been a constant demand of the states in the post- 1967 period. The changing nature of the party system and the growing importance of regional parties have federalized the working of Indian democracy to a large extent.

**Keywords:** over-centralization, dynamic nature, Indian federalism

### Introduction

The essence of federalism that it is a political system which creates in a society broadly two levels of government with assigned powers and functions originating from a variety of factors and political bargain and displaying a tendency to insist through active response to the challenges of the changing environment by the process of adaptation through creative modes of institutions as well as functional relationship. The word 'Federalism' says Gilchrist, is derived from foedus, which means a treaty or agreement. The essential feature of a modern federal state is that two or more independent states agree to form a new state. A federal state as defined by Dicey 'is one in which part of the authority and power is vested in the local areas while another part is vested in an association of the local areas'. 'A Federal State' according to Dicey, 'is a political contrivance intended to reconcile national unity and power'. A more comprehensive definition speaks of federal state as 'one in which a number of coordinate states unite for certain common purposes.... (In it) the power of the central or federal authority are limited by certain power secured to the units which have united for common purpose. This being the case there must be some authority which determines this distribution. This authority is the constitution itself (Haqqi, 1967:52) <sup>[1]</sup>.

India has all essential criteria of federalism are like two sets of governments, written constitution, independent judicial set up etc. This article intended to focus on the impact of party system in general and regional party in particular. After independence, the Indian National Congress transformed itself into a political party and took over the administration and formed governments both at the Centre and the States. The Congress defended the strong centre in order to maintain national integrity of nation.

Nature of Indian Polity differed from time to time due to impact of leadership, party system, economic conditions, regional politics, emergence of local-leaderships, regional and ethnic movements. All these factors affected working of Indian federal system.

### Objectives

- To know the nature of Indian society as multi-dimensional society and its impact on adopting the federal set-up.
- To understand the various causes of changing nature of federal polity.
- To understand the nature of party system and its impact on the federal polity.
- To understand the nature of coalition government at centre.
- To understand the causes of the emergence of regional parties.
- To understand the impact of the demand of state autonomy on federalism.

**Correspondence**  
**Dr. Tara Devi**  
Assist. Prof., Department of  
Political Science, S.G.G.S  
Khalsa College, Mahilpur,  
Punjab, India.

### Methodology

Data was collected through secondary sources. In the secondary sources, data has been collected through as books, magazines, newspaper records, reports. It was an analytical study various methods have been adopted to conduct the study. Descriptive, analytical and comparative methods adopted.

Mainly qualitative techniques have been used. In case of parties their role was analyzed by classifying them as national and regional parties. Then the demand of state autonomy analyzed separately.

### Limitation of the Study

The study is limited to the federalism. In case of political parties in depth study not conducted only focus is on their role as determinant of Indian federalism.

### Phases of Indian Federalism:

#### Indian Federalism during (1947-1967)

During Nehru era, Congress was dominant at the centre as well as in the states. Federal polity worked smoothly, in which centre worked as coordinator as well as provider of funds, grant and aids to the states. Reasons behind the smooth working were: one party domination at the centre and in the states. The Congress Party represented a highly centralized decision-making system. All important decisions relating not only to organizational affairs of the party but also focusing on the government policies and programmes were taken by the high command. The Congress-Party made use of various methods, including the threat of the imposition of governor's rule, to make "errant" leaders and Chief Ministers to the party line. As B.K. Nehru points out, "the interference goes, to such an extent that even the list of party candidates to the local legislature has to be approved by the central organization, the Chief Minister to be elected has to be its nominee, the minister he chooses and even the portfolios that he gives them are dictated to him by the same authority," (Roy, 2002: 180) <sup>[2]</sup>. Nehru himself used Article 356 and Governor's power to penalize Chief Ministers six times.

#### Indian Federalism during (1967-1977)

After Nehru, the nature of Indian federal system showed the trends where centre became dominant and it tried to keep the states under its control. On the contrary in state opposition parties emerged and they formed of governments in the eight states. It led to the strained relations in the federal polity. During Indira era (1967-1977) unitary features of the Indian constitution were more prominent and used frequently. There was a change in the political scenario in the whole country after 1971 general election. The Congress returned to power with 'overwhelming majority in the Parliament. The Congress came to power in most of the states after the 1972 elections of the state Legislative Assemblies. The process of excessive centralization was renewed under the leadership of Smt. Indira Gandhi. This process of centralization culminated in the proclamation of national emergency in June, 1975 and the passage of the 42<sup>nd</sup> amendment of the constitution in 1976 (Das and Choudhary, 1990: XXXVII) <sup>[3]</sup>. It was due to Mrs. Indira Gandhi's misadventures that in Kesavanada Bharti Vs State of Kerala in 1973, the courts evolved the 'basic structure' doctrine to save the constitution from the misplaced establishment sovereignty of the Union Parliament. Chief Justice Sikri clearly stated that the federal

character of the constitution was a feature of the basic structure of the constitution which was, hence, not opens to whimsical amendments. The doctrine of supremacy of the constitution is part of basic structure i.e. neither of the three constitutionally separate organs of the state can leap outside the boundaries of its own constitutionally assigned sphere of orbit of authority into that of the other (Nair and Jain op.cit: 187) <sup>[4]</sup>.

#### Indian Federalism and Demand for State Autonomy (1977-1987)

In 1977 elections when Janata Government came into power for the first time no drastic change took place in shaping the federal polity. To curtail the powers of the centre Janata Party passed forty fourth amendment of Indian constitution by which Union Government made some provisions which limited the Centre Government's power to impose emergency. But short tenure of the government did not bring any fruitful result. The centre-state relations again became the important question after the defeat of the Congress party in the 1983 elections in the two Southern states of Karnataka and Andhra Pradesh. The Telugu Desham Party (TDP) which was voted to power in Andhra Pradesh became champion of the 'state autonomy'. The unequal distribution of powers and responsibilities among the union and states have led the states to demand greater share in it. Further regional and sub-regional movements evolved during 80's because of centre's attitude and imbalanced development of the different regions (Dash: 707) <sup>[5]</sup>. Some of them were as the Telengana movement raged on until the 1980s in the less developed Telugu-speaking region in western Andhra Pradesh, which was under the rule of the Nizam of Hyderabad and was later merged with the more economically developed, Telugu-speaking coastal Andhra Pradesh. This movement was a by-product of an acute economic problem. 1980s saw the rise of secessionist movements in Punjab, Kashmir and some of the North-Eastern states (Nagaland, Manipur, and Tripura). The response of the ruling Congress Party under Rajiv Gandhi was to negotiate with the leaders of the more assertive movements. There were a series of accords with the Akali Dal leadership in Punjab, with the all Assam Students Union (which later became Assam Gana Parishad). In all these cases, the central government led by the Congress Party seemed to be accommodating and granted some amount of autonomy to the assertive units. Similarly, the movements were raised for Chhattisgarh in Madhya Pradesh, the Jharkhand movement in Bihar, Orissa, and Madhya Pradesh, and the movement for Uttaranchal/Uttarakhand in Uttar Pradesh and Gorkhaland in West Bengal. Gorkhaland was granted autonomous council status in August 1985. However, in the wake of formation of three new states as Chhattisgarh, Jharkhand and Uttaranchal (2000) the Gorkhas renewed demands for a separate state for the Gorkha people, comprising parts of the hill subdivisions of Darjeeling, Kurseong, and Kalimpong. The Gorkha National Liberation Front and the Gorkhaland United Front marked the renewal of their agitation for Gorkhaland with a series of strikes from time to time (Behuria, 2006: 2-3) <sup>[6]</sup>. Various movement based on different factors always demanded decentralized set ups to meet their demands. Sometimes it is state autonomy, separate state hood or autonomous status. Basically they believe that the aspirations of the people can be fulfilled if the more powers are with the periphery.

State's demand in this direction has also given rise to the formation of the committees and the study teams to analyse and reach at newer conclusions. The state of Tamil Nadu under the DMK Government for the first time in independent Indian history, appointed a Committee under the Chairmanship of Dr. P.V. Rajamannar on 22<sup>nd</sup> September 1969 to examine the centre-states relations (Dash, op.cit: 707) <sup>[7]</sup>. Anandpur resolution of Akalid in early 70s also favoured state autonomy and less powerful centre. The state of West Bengal adopted a memorandum on Centre-State relations on 1<sup>st</sup> December 1977 on the autonomy of the states. The document advocated that the residuary powers should be vested in the states. The memorandum was in the favour of the states (Pal, 1984: 71) <sup>[8]</sup>.

In June 1983, the Union Government appointed a Commission under the Chairmanship of Justice R.S. Sarkaria to re-examine centre-state relations in view of the growing demand for more autonomy to the states the commission was of the view that the centre should remain strong and hence rejected any demand for curtailing the powers of the centre, and transfer of more subjects from the centre to the states. The commission opined that the transfer of some subjects like preventive detention, education, labour and electricity to the states would disturb the basic scheme of the constitution.

### Conclaves of Different Regional Parties

There is a mushroom growth of regional parties and pressure groups in almost every state in India since Mrs. Gandhi's return to power in 1980. As Telgu Desham Party (TDP) in Andhra Pradesh and Assam Gan Parishad (AGP) in Assam, in Karnataka and Orissa Samajwadi Party (SP) and Janta Party (JP) etc. The failure of the Central Government to fulfill regional aspirations of the people and the inability of the national parties to provide an effective and viable alternative to the Congress (I) at the national and the states level led to the emergence of a large number of regional parties. There were electoral alliances which provided the anti-Congress platform. These electoral alliances resulted in the formation of the Coalition Government. The regional and opposition parties united on the issue of state autonomy. 1983 onwards a series of conclaves of the non-Congress Party leaders and chief Ministers demanded full respect for the state rights and legislative and financial powers for the states (Das and Choudhary, op.cit:11) <sup>[9]</sup>.

The regional parties became more strong (stronger) and started to demand more autonomy for the states. Subsequently a number of conclaves were organized by the regional parties on the issue of centre-state relations. N.T. Rama Rao, the first Chief Minister of a regional party in Andhra Pradesh, and the President of Telugu Desam Party, took initiative to organize a group of non-Congress and regional parties. The first conclave was called between 31st May to 1st June 1983, joined by leaders of 14 political parties. The main issue of discussion in the meeting was the restructuring of centre-state relations to ensure State Autonomy. The second conclave was held on 30th June 1983 and projected a collective stand on the sensitive Punjab issue and urged the centre to attempt a political solution to the problem. The third conclave was held in Srinagar on October 5, 1983, and passed a 31 points resolution suggesting large scale changes in centre-state relation in the administrative, economic and political fields. Further, they suggested that, the centre should confine itself to subject like defense, foreign affairs, currency and communications etc. The

Srinagar conclave was an important one. The regional parties on centre-state relations stressed the need for strengthening the autonomy of the states so as to maintain a proper balance in the centre-state relations. The fourth conclave was held in Calcutta on January 13 and 14, 1984. The conclave adopted a resolution demanding "a total restructuring" of the economic policies of the centre and offered an alternative economic programme for the uplift of the poor and the middle classes (See, India Today).

On September 17, 1988, seven parties namely, the Janata, Jana Morcha, Lok Dal (B), Congress (U), Telugu Desam, DMK and Assam Gana Parishad agreed to form an alliance known as National Front, at Madras with NTR and V.P.Singh as its Chairman and Convener respectively. One of the important objectives of the Front was to re-examine Centre-State relations so as to remove the imbalance in fiscal, legislative and administrative relations and to usher in an era of harmonious relation between the Union and the States in the true federal spirit.

### Indian Federalism Since 1989

In 1989, the era of Coalition government began at the union level. Chandrasekhar and the P.V. Narasimha Rao governments formed in 1990 and 1991 respectively were one-party minority governments, but they were based on legislative coalitions. India in the 1990s seems to have got stuck with the compulsions of coalition and/or minority governments, it would appear that the long spell of the Congress dominance until 1989, with only occasional or partial breaches in 1967 and 1977, merely served to conceal the essentially fragmented and coalitional nature of the Indian political culture (Singh, 1990: 9-10) <sup>[10]</sup>.

The 1996 national elections ushered in coalition and federal politics in India in true sense. In this election regional parties like the Telgu Desham Party (TDP), DMK-TMC, AGP, Akali Dal (Dal), National Conference and Shiv Sena have captured power in their respective states and have a number of MPs in the Parliament. Now the regional parties are largely controlling politics and power in most of the important states. If earlier the Congress Prime Minister used to appoint their state Chief Ministers, now the opposition ruled state Chief Ministers for a change have appointed one of them (H.D. Deve Gowda) as the country's non-Congress Prime Minister. Indian politics has taken a historic turn as political power has passed into the hands of a regional parties. Some of the state level parties like the TDP, DMK, AGP have also formed a 'Federal Front' within their ruling 'United Front' to safeguard their state interests and to fight for greater autonomy for the states in administrative and financial spheres. They are planning to have new kind of Centre-State relationship (Agarwal, 1997: 32-33) <sup>[11]</sup>. With the failure of a single party to secure an absolute majority in the Lok Sabha in the 1998 elections, the trend appears to be further reinforced. Regional parties are now crucial in the continuity of the ruling party in power at the centre. The collapse of the Bharatiya Janta Party (BJP) led Coalition Government in 1999 due to its inherent weaknesses reconfirms that the prevalent political scenario is both fluid and highly volatile. In 1998 elections, large national parties have accepted the need for alliances and accommodations with a variety of new and old parties, including the regional parties (Khanna and Khueck, 1999: 185) <sup>[12]</sup>.

Again there was heavy pressure of regional parties in the coalition governments of NDA led by Atal Bihari Vajpayee

in 1998 and in 1999 and of UPA led by Manmohan Singh in 2004 and 2009. Thus, the most significant aspect of Coalition experiments during United Front, NDA and UPA regimes (I, II) was the rise of regional satraps and a definite shift from the centre to the states (Nand, 2010: 415) <sup>[13]</sup>. In the year 2009 general elections, UPA, NDA, Third Front and Fourth Front were in the fray. Total 46 regional parties along six national parties participated in this election. The UPA was able to get 262 seats. The UPA again formed the government with the outside support of the regional parties. The 2009 elections again proved the importance of regional parties in the Indian politics. There is, thus, no denying the fact that the emergence of coalition governments in the Indian political system in the last two decades (1989-2010) has made the Indian polity very much dependent on the whims and vagaries of regional parties (Amar Ujala: 2009).

### Suggestions and Conclusion

- Both national and regional parties should give priority to the national interest and they should try to accommodate their interests accordingly.
- Economic federalism should be strengthened by restructuring the taxation system in favour of the states.
- Regional and National parties will focus on the development of the masses.
- Federal institutions should be strengthened.

Now the nature of federal system is different from the system prevailing before 1977. When Congress was dominating party and its leadership was the deciding factor. Today Indian federal system with the same constitutional provisions has different nature, because of the effect of various variables such as: ecological factors, regional imbalances, New Economic Policy, globalization, social movements, rise of local parties on the basis of language, personality, religion, region, ethnicity, rising bargaining power of regional parties at the union level, poor performance of national parties, lack of ideological basis of political parties, dis-satisfaction among the masses by the performance of national parties. Roughly in the last two decades in Indian federation Union Government has become weaker as compare to the past due to coalition formation by multiple parties. States are gaining more power and the regional parties have become successful in bringing their interests in the forefront. Thus, the developments of Indian polity shows the trends of dynamic nature of Indian federal system since independence

This paper has tried to show that the rise of regional parties has contributed to the break-down of the one-party dominant at the Centre (which looked like Unitary Form of Government) and a total reversal of the authoritarian and centralized politics of Congress (I) leadership under whose tenure, the Congress (I) High Command was treating the Chief Ministers as though they are the Chief of Municipalities. The Congress (I) Prime Ministers never treated the Chief Ministers as equal partners in the running of federal polity of India. The Chief Ministers had to depend on the Prime Minister.

In contrast to these past political cultures, the current Indian politics have been drastically federalized by the regional parties. The Prime Minister is no more as powerful as they used to be under One- party dominant system. The President and the Governors are no more rubber stamps endorsing the dictates of the ruling party; rather they are conscious of their constitutional roles. The new role of regional parties has transformed Indian federalism significantly. Since 1990s

have seen the emergence of the state as the epic-Centre of Indian Politics. The regional parties came to play major roles at the national level and also the key players in coalition government. This kind of change in political parties in India, reflect the drastic change in politics of federalism, shifting from dominant federalism to cooperative federalism.

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