

Enlarged State Autonomy: A Possible Solution To Indian Federal System

Tawseef Ahmad Malik

Research Scholar, Department of Political Science
Aligarh Muslim University, Aligarh.

Abstract

The concept of federalism always remains a topic of debate and discussion among the academicians and statesmen in the world as well as in India. After independence India adopted a federal form of government in order to bring unity in diversity in the country, however it was not the single cause for that as it was accompanied by many other also. But due to the emergence of constitutional and extra-constitutional development in the Indian politics, the nature of federalism is taking new shape of the country. Federalism in India is now facing certain flaws and weakness and various challenges both at structural and functional levels which mostly became apparent when 'States demands their autonomy and other rights for redressed their grievances' acquired momentum. Since independence till present autonomy to the states is one of the most pivotal and controversial issue in contemporary Indian politics. States have sought greater autonomy and separate states because of economic neglect, distinctiveness of society and political culture, administrative and local inefficiency, and biased approach of Central government towards states in distribution of funds, resources and other facilities. Why have some federal states better been able to withstand separatist pressures than others? This is the broad question motivating this study. For making this paper empirically sound I examined many cases of conflictual center-region relations, while granting autonomy to the states is definitely a peace-preserving which will not only regulate the intrastate conflicts, particularly nationalist or separatist conflicts, but also will help to unite the country. The paper also suggests the need for constitutional reforms to include fair and robust measures to ensure harmonious centre-state relations as also to promote positive federalism in the country. After discussing the State autonomy issue the paper finally concludes with the idea that granting autonomy and more rights to the States is not harmful to the union of India rather it will help to promote Unity in integrity in India which is also the main theme of the paper.

Keywords: Centre-State Relations, Autonomy, States, Decentralisation, Region, Conflicts, Secession, and Development.

Introduction

State autonomy has been a pivotal and volatile issue in the Indian federation on account of two reasons. The first reason is the rise of terrorism, globalization and economic depression that have necessitated it to have strong and dominant Centre. Even in a federation like the USA, where the Centre has been given limited powers by the Constitution, with the passage of time the Centre has turned out to be strong in order to meet the serious challenges of wars, economic crisis and social service. The same is true to other federations like Switzerland, Australia etc. The second reason responsible for serious concern for state autonomy is the growth of multilingual, multi-ethnic and multi-cultural societies which in turn need a great degree of autonomy to maintain their unique identities. The paper would like to answer some pertinent controversial questions that this study raises: One – Did the constitutional federal structure with skewed division of powers serve the purpose of unity and integration? Two – Did it facilitate smooth functioning of governments at two levels? Three – Will greater devolution of powers strengthen centre-state relations and help to guide in speedy development? An effort has been made in this paper to study gains and losses for greater autonomy and other rights to the states. The issue of state autonomy has been studied with reference to the demand for many smaller states. Finally, it elucidates the repercussions of Indian states' speedy advancement necessitating our federalism to be reassessed. The paper is divided into many sections which is structures as follows. The Section II discusses the genesis of the issue of state autonomy which was started since the inception of Constitution. To answer why it is so, one has to understand the nature of Indian federation in its correct perspective. In Section II, the paper discusses the meaning of State autonomy in Indian federation means to what extent states can enjoy autonomy in their respective fields without the interference of the Central government and in Section III, the paper examines the bases of state autonomy means why the states demands more and more autonomy and other rights day by day and what are its causes. In Section IV, the paper examined many cases of conflictual center-region relations in other federations of the world which shows that granting autonomy to the units/states is a best mechanism to regulate conflicts. The paper finally concludes in Section V, in which paper emphasizes that the Central government should grant autonomy and more other rights to the states which is a need of hour. It will not harm to the Unity of India rather it will help to promote unity and will help to accommodate and foster the large diversity of country which was a dream of founding fathers of the constitution.

State Formation in India: The Beginning of State Autonomy Process

India is one of the few countries of the world which has preserved the basic structure. After the dawn of independence, a federal form of the government was evolved under the Constitution by the political leaders and great thinkers of the day, to preserve the cultural, social and linguistic diversity of different States and to lead the country to economic advancement and social justice. However, there have been unsuccessful attempts to crack its structure, though no serious damage to the structure has occurred as yet, but the ship of State is being tossed violently by the swift currents of political upheaval and chaos and smooth governance of the country is becoming increasingly difficult day by day. The irony is that the political stalwarts and loyal supporters, whether belonging to the Centre or States instead of tackling the issues in a cooperative manner as

envisaged by the Constitution, are wasting their energies in mutual mudslinging and thus pursuing a policy, which is bound to be detrimental to the national interest. Consequently, the demands of autonomy and voices of separatism are becoming louder and louder in some parts of the country and which is now regarded as one of the most debatable and controversial issue of the contemporary Indian politics. The concept of State autonomy has pervaded and vitiated the political and social fabric of the federal structure so much so that the tension is growing by leaps and bounds and the constituent units are increasingly harboring feelings of deprivation, discrimination and alienation and are viewing all the problems from the broader national angle not from a narrow parochial outlook.¹

With the commencement of the Constitution of India from 26th January 1950, India became a Union of States and Union territories. In the meantime, there was urging demand especially in Telugu speaking population, for reorganization of states on lingual lines which resulted the State Reorganization Act 1956 was passed and accordingly Andhra Pradesh became the first state to be created on lingual basis in 1953. In the sixties for instance the demand for the formation of linguistic states in southern and western parts of the country became a major tension area. Then the Sikh demand for the Punjabi Suba in the sixties resulted in the concomitant demand for a separate Haryana and Himachal Pradesh. In the seventies the persistent demand for statehood and autonomy in the North-Eastern hill regions remained a major focus of federal tension. Since the eighties the agitation in Assam on the domicile-issue has disrupted the Union. Then in Punjab, the Akali agitation alternating between demanding for greater state autonomy and for a separate state of 'Khalistan', as a secessionist state, acquired virulence in the form of terrorist activities and unabated violence. Similarly vigorous demand for a separate state of the Gurkhas (Gurkha-land) in northern part of West Bengal, acquired considerable momentum, as expressed in massive popular demonstrations, culminating in violent agitation. In the closing years of the eighties, the movement for a state of Jharkhand covering large tracts of Bihar and Orissa has also been a source of continuous agitation, tension and violence.² Although the phenomenon of violence has been with us for long, the decade of the eighties has been quite dismal. According to one estimate, there had been 224 major incidents of collective violence, apart from several thousand minor incidents in India during 1951 to 1984. These include not only the three major arenas of violence, namely, inter-caste, inter-communal and inter-linguistic violence, but also many other forms of violence, like – those associated with demands for separate states, re-organisation of states, for adjustment of state boundaries, industrial strikes leads violence, organized Naxalite violence against zamindars and rich landholders and political violence organized for and against certain parties.³ In last phase of Twentieth Century, the last addition was with the smooth and almost uncritical passage of three bills – the Uttar Pradesh Reorganization Bill (Bill No. 5-C of 2000), the Madhya Pradesh Reorganization Bill (Bill No. 6-C of 2000) in Parliament and the subsequent Presidential assent to these bills on 28 August 2000, the three new states of Uttaranchal, Chattisgarh and Jharkhand have been added to the existing list of 25 States in India.⁴ In 21st Century, another south Indian State, Telangana added in a list as 29th State in India formed on 2 June 2014 with the city of Hyderabad

as its capital. With this formation, ten districts of the then Andhra Pradesh will now become a part of the Telangana.⁵

After the announcement of creation of “Telangana” as the 29th state of India, there has been a lot of discussion on the gains and losses smaller states. Similarly, there has a demand for creation of new states from many parts of India. Yet there are 31 more demands for Statehood. They are Maru Pradesh in Rajasthan, Bundelkhand, Poorvanchal, Bhojpur and Harit Pradesh or Jatland in the Uttar Pradesh: Vindhya Pradesh, Baghelkhand, Rewanchal, Madhya Bharat, Mahakosal, Malwa in Madhya Pradesh, Mithila in Bihar, Saurashtra in Gujarat, Konkan, Vidarbha and Marathwada in Maharashtra, Coorg, Kodagu, and Sagar Prant in Karnataka, Kosal Rajya in Orissa, Gorkhaland and Ramtapuri in West Bengal, Kashmir and Jammu and Ladakh in Jammu and Kashmir, Bodoland, and Poorbachal and Kuchh Bihar in Assam, Kukiland in Nagaland, Garoland in Meghalaya and Hamar State in Mizoram. There are movements in this regard with occasional rallies, agitation, petitions and Statehood.⁶

State Autonomy in Indian Constitution and State Autonomy in Practice

From above it is clear that, the demand for more state autonomy ‘which in turn leads to the demand of separate statehood or demand of separate smaller states’ is one of the most debatable and controversial issue of the contemporary Indian federation. There has been much talk for and against the autonomy of the states. In the context of Indian federation, it has to be accepted that more autonomy to the states does not mean independence or separation from the Central government because it is clear that the Indian states are not like the “Indestructible States of an indestructible Union”, like in the U.S.A. or the constituent republics of the Soviet Union, with their theoretical right to secede, rather, it is “Indestructible Union of destructible States” which means Indian States have no right to secede from the Union. At the outset it may be emphasis that the Indian Constitution does not recognize ‘State Rights’. It lays emphasizes more on linguistic and cultural autonomy as also on national and economic unity. Moreover, it should also be borne in mind that the federation of India was not the result of an agreement by the states to join in a federation and that the federation, not being the result of any agreement, and no state has right to secede from it. Dr. B.R. Ambedkar made it quite clear in the Constituent Assembly that the Indian Constitution is the creation of representatives of people, assembled in the Constituent Assembly and the states have no right to secede from the Centre and the Union is Indestructible. He further stated that, “the Constitution of the Union and the States is a single frame from which neither can get out and within which they must work”.⁷ Thus, it is obvious that states have more powers in Indian constitution like in the Seventh Schedule of the Indian Constitution; the states enjoy vast legislative and executive powers in the List II - State List. Thus, by state autonomy, we mean that these powers should be real and should be enjoyed by states in practice, if not enlarged. So that states may launch their independent development plans in the light of their own needs and resources which is not detrimental to national interest and development rather will help the country in progress and development.⁸ However, in practice federalism in India has not been an easy task. Dealing with demands of state autonomy while strengthening the idea of India, was often conflicting and full of complexities. In effort to have a balancing act, one has to confront two

opposing forces which are always at work; one trying to bring about integration and other, in its efforts to fulfill regional aspirations, work in opposite direction and at times conflicting in essence.

Why Voice of State Autonomy Gaining Ground and Becoming Louder

Till 1967, when there was one party system or we can say “Congress System”, the relations between the Centre and the States by and large were smooth and there were only a few tensions because Congress party was ruling both in the Centre and almost all the States. If at all there were some differences between the Centre and the States, they were resolved either on party basis or at the intra-governmental level. However, this picture entirely changed in 1967 when dominance of Congress party broke up and non-Congress governments came into power in some States. These State Governments wanted greater independence of action and challenged the dominant rule of the Central Government. The States which criticize the growing power of the Centre and have put forward demand for greater autonomy included – West Bengal, Punjab, Karnataka and Tamil Nadu. Later on Andhra Pradesh, Kerala and Jammu and Kashmir also joined this category. These States demanded an overall review of the Centre-State relations.⁹ One of the most controversial issues which dominated the Indian politics for nearly four and half decades hitherto, had been the demand for State autonomy. The emergence of some powerful regional parties of DMK and AIADMK and subsequently the TMC in Tamil Nadu, the Shiv Sena in Maharashtra, the Telugu Desam in Andhra Pradesh, the Assam Gana Parishad in Assam, the Akali Dal in Punjab, the RJD in Bihar, the National Conference in Jammu and Kashmir, the Janta Dal in Karnataka, the BSP/SP in Uttar Pradesh and CPM in Kerala and West Bengal and a host of other regional outfits in various other States, as viable political choice in the States to replace the Congress party was a believable and final evidence that the Congress had lost its national character. The result was that the federal mechanism was not effectively operated until the fourth general elections and there is a gulf between the theoretical and practical aspects of Centre-State relations in India. The demand of autonomy and other rights to the States in India is dynamic and varies from State to State and region to region. Theoretically, it is considered as the logic of statement of nationalism and democracy. But actually, it is a multi-dimensional phenomenon at once a geo-cultural, political-economic and above all psychic. Therefore, to understand the issue of State autonomy in proper perspective, it requires a fairly sound grasp of cultural, political, economic, and regional components and their mutual relationship which are the bases of the demand of State autonomy or separate smaller states.¹⁰

The constitution of India has deliberately built bias and unfairness in favour of greater centralisation of power, and for allocation of larger jurisdiction to the centre. Despite the fact that Article 1 of the constitution speaks of a dual polity, but due to the provision of single citizenship, single integrated judiciary, uniform civil code and criminal law for all the federating states and unified all-India Civil Service (vide: Articles – 5-11, 14, 15, 16, 131-141,312) India remains a unified polity. The constitution gives general supremacy to the Union Parliament and Executive in all matters viz-a-viz the states (vide Articles 365) especially in the making of laws on items included in the State List, in the appointment and dismissal of Governors, in the dismissal of State

ministry, in the appointment of Judges to the States' High Courts; and more than this, it not only gives the residual powers to the Union (vide: Articles – 245-46, 249-54, 356) which is a clear index of centralisation, but also envisages easy and flexible procedures of constitutional amendments (vide: Article 368) and assigns a large share of the revenue and a greater fiscal authority to the Centre (vide: Part XII). There is inequality of status of the federating States (vide: Articles 2, 370-373; and Parts VI-X). But more than this it has given a legitimate handle in the form of Emergency powers (vide: Articles 352-360) to enable the Centre to transform a federal system into virtually a Unitary system under three conditions – foreign aggression or threat of aggression or armed rebellion; breakdown of law and order machinery or financial breakdown. There is no right of secession for the states, on the principle that “Union is Indestructible”. The Union has also the authority to create new states, and adjust boundaries between the states, and generally restructure the Indian Union (vide: Articles 2-3). The President's rule in the States declared more than 100 times since 1951, that is practically at the rate of two per year (in fact more) in last sixty years of the working of the Constitution, and the most dramatic spell of national emergency between June 1975 and March 1977, underline the effective capacity of the Centre for dominating the federal polity. It is interesting to know that all in all, the president's rule in all the States and the Union Territories, put together, has been imposed for a total period of almost 50 years that is longer than the life of the Republic itself.¹¹ The deteriorating economic health of the nation is responsible to a great extent for the various ills that have overtaken the country in all walks of life – social, political and economic and led to high passions and simmering discontent which is sweeping this land. It has also played a significant role in creating bad blood between the Centre and the states.¹²

The present economic and regional imbalances, slow development and deprivation, paradoxes of capitalist path of development and backwardness of many states are the consequences of the over-centralisation of economic powers and resources. According to Iqbal Narain, “‘economic component’ is the ‘crux of regionalism’ and hence demand for autonomy by states and within states”.¹³ In certain States certain sub-regions have developed fast, where as other sub-regions have lagged far behind. Such disparities have led to disenchantment. In Maharashtra alone there are feelings of resource transfers from Marathwada, Vidharva and Konkan to more prosperous regions in the State. ‘Internal Colonialism’ or neglect and exploitation of a region by another dominant region in a State apparatus leads to large scale of disenchantment in the sub-region. In these situations, there is perceived notion that greater political and economic gain could be attained with regional autonomy or separate Statehood. It was in this atmosphere that over the years demands of socio-cultural segments generated tensions, often followed by conflicts and violence.¹⁴ The sensitivity of particular linguistic or cultural group perceives that there is neglect on the part of dominant group or region in the State and that it would have greater economic and political growth with greater regional autonomy, especially Statehood is a crucial factor in this regard. The creation of various States in North East and recently the formation of Telangana had the genesis in such perceptions and agitations thereof. However, in the process, if certain regional aspiration could not be fulfilled, then it leads to further dissention. The demands for ‘Bodo Land’ in Assam and separate Statehood in Western Orissa, named as, ‘Kosal Pradesh’ are examples of this nature.

It is to be noted that tribal and hilly areas bordering Orissa, Bihar and Madhya Pradesh which are together called Chhotanagpur area were perceived to have identical culture, tribal character, hilly life style etc. and hence it would have been natural to have a separate State by carving out these areas from respective States, measure was taken to carve out of the area from Bihar and Jharkhand was created, and Chhattisgarh came into being by splitting Madhya Pradesh. However, western part of Orissa could not become a separate State due to lack of agitational pressure or mass movement and due to the fact that it had no backing of the State legislature unlike in case of other two neighboring States.¹⁵ It must be noted here that sometimes regional movements may initially appear to be secessionist or separatist like, Tamil nationalism, Sikh separatism, Gorkhaland movements, etc, but ultimately and generally they settle for Indianness' when their demands are accommodated and grievances redressed.

More Autonomy to the States is necessary to end Internal Conflicts

State autonomy means the right of communities, defined by territory, language, culture, or religion- to govern them, so that their distinctive features are protected and promoted. State autonomy must be understood relative to the kind of state in which it operates or in which autonomists demands are made, because states may be federal, "union" or unitary, and there are also several kinds of unitary states, like: centralized unitary, decentralized unitary or regionalized unitary. The advocates of state autonomy or of ethno federalism in general argue that autonomy solutions are effective and successful conflict-resolving mechanisms and that further federalization of multiethnic states along ethnic lines will help prevent ethnic conflict. In some of the literature, ethno federalism has been characterized as what David Meyer terms a "cure-all prescription" for ethnic conflicts or tensions.¹⁶ There are many evidences to suggest that granting a substantial measure of autonomy and self-government to distinct groups within a polity may in fact contribute to enhanced unity and prevents secession. For instance, the settlement of 1976 in Papua New Guinea, when some parts of Bougainville wanted to secede, established a wide-ranging decentralization and settled the Bougainville problem. The grant of autonomy to Bougainville had helped to strengthen its links to the rest of the country, for it eliminated some genuine grievances and established a democratic order internally connected to the national system. There is little doubt that, without the 1976 autonomy, the rebellion of 1989 would have garnered more support in Bougainville, so autonomy has prevented rather than promoted secession.¹⁷ Indeed, the Canadian experience in 1867 was that much of the previous harmony was reduced and condensed by replacing the previous unitary system under the Act of Union of 1840 with a federal system. If we see, the previous union had created and produced many political conflicts between the French and English populations and a series of impasses. By establishing distinct self-governing units of Quebec, with its French-speaking majority having control over matters of cultural and social significance, many of the previously contentious and controversial issues were siphoned off from the realm of federal politics, leaving the federal sphere to focus on shared objectives and policies. It is significant that referendum results and repeated recent public opinion surveys have persistently pointed to the fact that a large majority of Quebecers want greater autonomy, but combined with continued association with the rest of Canada.¹⁸

From above it is clear that every urge for autonomy is not divisive, but most probably a complementary force; it would not lead to Balkanistan, but to the tendency in a federation; it should not be taken as a call for disintegration of national sovereignty, but its re-integration in Indian federalism. Thus, in order to promote Indian federal stability at the macro level and demands for separate statehood, there should be a full fledged federating State, an autonomous region or regional council with adequate legislative and executive power within an existing state, a district development council with adequate authority over local planning for people in ethnic enclaves of an otherwise composite State, granting of Union territory Status to cities, strategically important regions or sub-regions, and to those areas which are extremely backward and the institutions of 'shared rule' such as Zonal Councils, Inter-State Councils etc. need to be activated. These institutions may be advisory in nature, facilitating inter-state cooperation and coordination in the areas of national and regional planning and development. In view of the above, what is to be done next is that instead of selective treatment of the issue of State formation, there is a need to review the entire strategy from the viewpoint of federalizing the society and polity and another States Reorganization Commission must be constituted for this purpose. Earlier it was viewed that creation of new State lead to parochial and antinational tendencies. Such view now has become outdated. Akhtar Majeed in his edited book, "Federal India: A Design for Good Governance" has opined that reorganization of states or forming out of new States help in good governance. However, this has to meet following requirements, like - Similarity in the development need of the sub-region, Socio-cultural and linguistic identity, and Political manageability, etc.¹⁹ What is needed, therefore, is a strategy of tolerance and goodwill. States being the perpetual wards of Centre economically speaking do talk of autonomy. But, that is neither secession nor disruption of national Sovereignty. Far from dividing, it will only unite the various Units of Federation. The demand for a better and more independent sharing of economic cake is neither divisive nor fissiparous. If any, it is only a complementary force which will further cement national unity.

Conclusion

It is evident from the above discussion that the federal polity of India needs to accommodate these ongoing demands of the states. In most of the regions, even if the local, urban entrepreneurial/middle classes lead the demands, these demands represent the democratic aspirations of the hitherto politically dormant, neglected and discriminated masses from the peripheral regions. Bifurcation of states for development is not a problem in fact; it will help in the development of backward areas. But the problem arises when without any pre-decided standards for division of states; the bifurcation is done solely to earn political gains. It would be better if particular criteria are decided for the bifurcation of states. Only, then it will help in the development of states as well as of the nation. Despite Constitutional provisions to the contrary, a lot of actual bargaining goes on between the Centre and the States. In practice, there is no "Berlin Wall" to separate the Centre and the States. There is a constant to and fro movement between the two and both Centre and States appear to be contestants in a ring. In practice, there is no "China Wall" between the Centre and the States to keep them separate and away from each other. The goal of autonomy and other rights to the states is not the breakup of existing state, not the

separation of units from the centre government peoples but their rapprochement and the establishment of friendly relations and cooperation between the centre and the states. To sum up, it may be argued that in order to achieve a genuine political integration of India, it is essential for the Indian nation to appreciate the aspirations of these nationalities and should be implemented through various mechanisms and arrangements within the framework of a nation state and ultimately is a powerful tool for genuine democracy and federalism.

References

¹ Chauby, R. (2007). Federalism, Autonomy and Centre-State Relations. New Delhi: Satyam Books. P.282-283.

² Khan, R. (1992). Federal India: A Design For Change. New Delhi: Vikas Publishing House. p.24-25.

³ Ibid p. 25-26

⁴ Hussain, H. (2010). Indian Federalism: Emerging Trends. New Delhi: Manak publications PVT. LTD. p.126.

⁵ The Hindu 31 July 2013 available at: <http://www.thehindu.com/news/national/andhra-pradesh/telangana-will-be-indias-29th-state/article4970069.ece>

Also available at: <http://www.dnaindia.com/india/report-parliament-passes-telangana-bill-creating-india-s-29th-state-1963721>

⁶ Hussain, H. (2010). Indian Federalism: Emerging Trends. New Delhi: Manak publications PVT. LTD. p.126.

⁷ Chauby, R. (2007). Federalism, Autonomy and Centre-State Relations. New Delhi: Satyam Books. P.282-284.

⁸ Pal, C. (1984). State Autonomy in Indian Federation: Emerging Trends. New Delhi: Deep and Deep Publications. p. 37-38.

⁹ Wadhwa, K. (2001). Constitutional Autonomy: A Case Study of Jammu and Kashmir. New Delhi: Bhawana Books and Prints. p. 50-51.

¹⁰ Ram, D. S. (2007). Federal System And Coalition Politics In India: Conflicts And Consensus In Centre-State Relations. Tirupati (Andhra Pradesh): Academy of Grassroots Studies and Research of India. p. 250-251.

¹¹ Khan, R. (1992). Federal India: A Design For Change. New Delhi: Vikas Publishing House. p.22-23.

¹² Chauby, R. (2007 (First Edition)). Federalism, Autonomy And Centre-State Relations. New Delhi: Satyam Books. p.287.

¹³ Pal, C. (1984). State Autonomy In Indian Federation: Emerging Trends. New Delhi: Deep and Deep Publications. p. 50.

¹⁴ Hussain, H. (2010). Indian Federalism: Emerging Trends. New Delhi: Manak publications PVT. LTD. p.129-30.

¹⁵ Ibid. p.127.

¹⁶ Cornell, S. E. (2002). Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspectives. *World Politics*, pp. 245-276. Vol. 54, No. 2, at P. 2.

¹⁷ Ghai, Y. (2000). *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-ethnic States*. New York: Cambridge University Press. P. 23 & 24.

¹⁸ *Ibid* p. 47 & 48.

¹⁹ Hussain, H. (2010). *Indian Federalism: Emerging Trends*. New Delhi: Manak publications PVT. LTD. p.128.