

## **Dialectics of Democracy and Federalism in India**

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### **Abstract**

India at the stage of beginning a completely new turning point in its history, after independence, encountered a number of problems and encumbrances. A challenging task before India's leaders was the choice of the form of government that should cater to the widely diverse races, castes, religions, creeds and classes of society and at the same time provide them a feeling of oneness and unity.

This paper is an attempt to do a historical review of the causes and results of shaping a federal democratic system in India.

**Key words:** Democracy, Federalism, Government, India, Pluralism

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### **Introduction**

India at the stage of beginning a completely new turning point in its history, after independence, encountered a number of problems and encumbrances. A challenging task before India's leaders was the choice of the form of government that should cater to the widely diverse races, castes, religions, creeds and classes of society and at the same time provide them a feeling of oneness and unity. The members of India's constitution were burdened with the responsibility of introducing a form of government that should be conducive to efficient governance and effective development. In respect to implementing developmental projects, the then leaders of India had before them a formidable challenge of nation building considering India's continental size and highly heterogeneous, pluralist, traditional, and economically backward predominantly rural society. They tried to learn from the experiences of the past and from the experiences of other countries. They were inspired by the experiences at the international level. Moreover, they had to respond to the political needs of India.

This paper is an attempt to do a historical review of the causes and results of shaping a federal democratic system in India.

### **National Unity in A Pluralistic Society**

The example of Russia exerted a deep influence on Indian leaders, particularly Pt. Jawahar Lal Nehru. Russia was able to build a federal system encompassing many nationalities and wield them together into USSR which had emerged as a great power by 1930, since Nehru had been highly impressed by the success of USSR in converting a poor and weak Russia into a financially sound and militarily strong country by using the instrument of federalism. He was particularly impressed by the success of USSR in insulating itself from the fallout of the great economic depression of 1930 through planned economic development. Therefore, Nehru who is popularly known as the

architect of Modern India tried to color the liberal ideology with socialist vision to overcome the impending crises in Indian society. The liberal instruments of democracy and federalism became handy to design the future socio-economic structure of India. (Dutta, November 14, 2010) Other political leaders of India had been influenced by the successful working of federal system in United States of America, Canada and Australia.

India being a multi-religious, multi-caste, multi-lingual, multi-regional and multi-cultural society could be integrated only through federal design. Secondly, the integration of princely states on which sovereignty of the British Empire had ended at the time of Indian independence in 1947 too could be integrated more smoothly through federal structure. Thirdly, in a continental sized country with huge area and population and with multiple identities, nation building could not be possible through a unitary state. Hence, federalism was the only option with the future makers of India. And, therefore, ultimately they resolved the problem by adopting the twin strategy of democracy and federalism. They were of the opinion that democracy is a political necessity but it was required to be adopted along with federal principles and mechanism keeping in mind that the vast size of the country with huge socio-cultural diversities. Federalism was considered a booster to democracy.

The Then leaders of India then presumed that democracy would provide a responsible system of governance and political management whereas federalism makes mechanism for institutions for its smooth growth. Perhaps it was also thought that a country practicing federal democracy could deal with problems in comparison to those which are not democratic and federal. It was sought through the establishment of guidelines and operational realities of institutions. Federalism is constituent element of such guidelines and democratic polity provides the infrastructure-institutional mechanisms. Therefore, federalism and democracy further the cause of each other.

To the socio-political scientists, irrespective of their ideological orientations, the evolution of federalism and implementation of democratic system owes a lot to the colonial experience of the then 'middle class' which at a later historical phase was to take over as the decisive and important factor in Indian federal democracy. Though the social and cultural complexity of this nation generates a highly complex political experience yet there are possibilities of making specific observations significant for research in the field of political science in general and Indian federal democracy in particular. The colonial legacy and political experience of limited democracy were the guiding elements for the future formation of India.

Indian leaders and makers of the constitution opted for democracy not only because of their liberal orientation imbibed from the western education on one hand and the consensus developed during the national movement on the other, but also because they believed no other form of government could work and gain legitimacy in this multi-regional, multi-religious, multi-lingual, multi-caste, and multi-ethnic society. The assertive elites of our constitution dominated the decision-making process and provided for the nation a federal democracy but quite tactfully brought out a system with a strong and authoritative centre capable of imposing its decisions on the states.

Under the apparent cover of democratic federalism, they made provisions which are undemocratic in nature. Therefore, this kind of political set up is not in a pure, unadulterated form of federal democracy; it leans towards the supremacy of the centre. The constitution makers and leaders of the initial phase of independence were suspicious and had serious doubts regarding the success of democracy as the Indians had a very limited experience of working of democratic institutions under the colonial regime. The democratic institution could not institutionalize nor could democratic ethos evolve due to ignorance and lack of political consciousness on account of illiteracy, unemployment and appalling poverty.

Even with these serious limitations, the builders of the nation were not in a position to opt for the opposite version of democracy, i.e., dictatorship its antithesis. A novel formula of strong centre with federal structure was the synthesis of their approach. To maintain the power strength of the centre, it was given some special powers. The centre was empowered to use emergency powers in case of external war and severe internal crisis. Many other provisions also enabled the central government to use authoritative devices a feature proper to unitary form of government.

Thus, the constitution of India is a unique constitution as it blends and synthesizes the features of constitutions of various countries. Although, it is a federal parliamentary government, but into this federal form the nation builders have incorporated traits of the unitary form of democracy. The makers of the constitution invested both the centre and the states with authority and powers, but at the same time endowed greater authority on the centre as a disciplinary measure to check the misuse of authority by state governments. And the centre itself has, from time to time, misused this greater authority. The provision of emergency powers and some powers exclusively of the centre leaves room for domination of centre over the states. Moreover, space between the lines may lead to misinterpretation and misrepresentation of provisions.

But democratic governance was the only means of making the masses concerned partners and stakeholders in the sustenance of the political system. It was the only way to wield these diverse elements consisting of a number of nationalities and having the conception of 'Desh' (nation) or country in terms of locality. As a matter of fact, the very notion of nation was alien to the inhabitants of India and had been introduced in India via western and modern ideals during the colonial era.

The above mentioned factors compelled and emboldened the national leaders at the helm of affairs on the eve of independence to

take the calculated risk of introducing democracy in India despite the fact that we were having an undemocratic, in-egalitarian, semi-feudal, conservative and parochial society having deep roots in primordial loyalties. They were not even discouraged by the facts that India was having at that juncture a predominantly rural and agrarian society having a population of which two thirds were illiterates. They ignored the wisdom of the western scholars who had been holding that democracy could not be introduced in a traditional society. It could work only in a modernized society having high level of urbanization, industrialization and literacy on the one hand and highly developed media and means of communication on the other hand. They did not mind introducing democracy in a society where democratic traditions were conspicuous by their absence.

### **Choosing A Suitable Type of Democracy in India**

In addition to the formidable decision of choosing democracy in such a society, they also had to face the problem of deciding about the type of democracy. They had before them three alternatives – presidential democracy, parliamentary democracy and participatory democracy.

The idea of presidential democracy that was in force in United States was rejected due to many reasons. Firstly, it was apprehended that presidential system might degenerate into dictatorship in India which not only lacked a strong party system but was also devoid of democratic ethos. Moreover, the memories of deadlock between the president of the United States of America and Supreme Court of the country on the issue of the New Deal Program were rather fresh at that point of time. That is why they abandoned the idea of presidential democracy.

The second option was that of going in for participatory democracy which had been suggested by Mahatma Gandhi. He wanted that India should be a commonwealth of politically independent and economically self sufficient villages. He favored

Gram Swaraj, that is, the rule of village community through consensus among the members of its general body, the “gram sabha” which was also to elect the members of the “gram panchayat<sup>1</sup>”. This gram panchayat was to be organically linked with the national parliament through a system of elections resulting in popular participation through representatives and the decision-making too was to be done at all the levels – the village, the mandal, the district, the province and the nation through adult suffrage. In fact, Gandhi championed a party-less democracy.

As a matter of fact, Gandhi had declared a few days before his death that the Congress be disbanded as a political party and should be converted into Sarva Sewa Sangh. (Kothari, December 1974) But the Congress top brass rightly rejected his ideas by declaring that the Congress could not abandon its historic role. Although they agreed to have “gram panchayats” as units of local self-government, constitution makers rejected the idea of participatory democracy.

Ultimately, India opted for parliamentary democracy based on the Westminster model due to the following reasons: India had some experience of its working under the Act of 1919 and the Act of 1935. There was a consensus on parliamentary democracy on the British type in the Congress party right from the beginning. Nehru committee, representing all the political parties, too favored parliamentary democracy. As a matter of fact, they rejected the Government of India Acts 1919 and 1935 as they did not provide for genuine parliamentary democracy. The framers of the constitution were also aware of the fact that there was emphasis on daily as well as periodic responsibility while in the presidential system of government there was emphasis on periodic responsibility only when elections were held after a definite gap. The executive is not

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1. **Gram panchayats** are local self-governments at the village or small town level in India. As of 2002 there were about 265,000 gram panchayats in India. The gram panchayat is the foundation of the Panchayat System.

responsible to parliament. The practical considerations also influenced the framers of the constitution. They thought it was better to introduce the parliamentary government in the states as well as the centre because the head of the government would be removable by means of no confidence motion while it was not feasible in presidential type of government.

The fact of the matter is that India got parliamentary democracy as a legacy from the colonial period and decided to opt for an undiluted form of parliamentary democracy on account of the compulsions that have already been listed. Be that as it may, there were no two opinions about the fact that India must have a democracy and that too of the parliamentary type.

### **The Establishment of the Federative System in India**

This leads us to the question why our constitution makers opted for a federal system. The very logic of constitutional development since the Indian Council Act 1861 has been that of gradual federalization. The Indian Council Act 1892, the Indian Council Act of 1909, the introduction of diarchy under the Government of India Act 1919, and the provisional autonomy through the Government of India Act 1935 were steps in the direction of federalization. The Government of India Act 1935 had not only created federal court but also envisaged the formation of a federation comprising of British provinces and princely states. It is a different thing that the idea could not be concretized.

The Cripps Mission 1940 and the Cabinet Mission Plan 1946 had suggested federalization for the solution of Indian problem. Even after independence federalism was required not only for integrating more than 500 princely states in the Indian Union but also for incorporating various regional, linguistic, social, cultural and ethnic groups into a nation. It was on account of the above realities that Indian leaders decided to have a federal system for the nation which

remained continental in size and highly pluralist in spite of its partition on the eve of the independence in 1947.

Apart from the logic of constitutional development, the constitution makers wished to experience something different from that in United Kingdom and United State of America. This particular aspect relates to the political aspirations of emergent governing elite which had its commitment in liberal British social and political outlook and who could also sense a vision of long term stability in some novel kind of parliamentary democracy. This fact was also explicit in the demand for the federal system with parliamentary democracy.

But much more important than the above reasons was the fact that federal polity had to be set up for providing firm roots to the democracy. It was only federal system that could give a share in the power structure at national, state and local levels to various linguistic, religious, social, cultural and ethnic groups. These would not have become partners and stakeholders in a unitary system. Hence, democracy could not have been possible except in a federal polity in Indian social set-up.

As Austin has pointed out in his book *“Indian Constitution: The Corner Stone of a Nation”*, the constitution of India had been made on the basis of consensus. The consensual approach was adopted because of its powerful presence in the Indian tradition where the panchayats would take decisions which were win-win situation for the contesting parties.

For building consensus, technique of compromise and accommodation was adopted. For illustration, those opposed to socialism were accommodated by excluding the word “socialism” in the preamble. Similarly, the Hindu nationalists were accommodated by excluding the word secular. The landlord and capitalist classes were accommodated by giving them right to property. Gandhians were accommodated through directive principles of state policy. Minorities were accommodated by giving the right to educational

institutions and to maintain their own culture. Princes were accommodated by giving them the privy purses and by constituting part B states and by making the ruler of largest state as the Rajpramukh (A position and status equal to the governor of a state) of that part B state. Jammu & Kashmir in general and national conference in particular were accommodated through article 370 that gave special status to Jammu & Kashmir. Schedule castes were accommodated by giving them reservation for 10 years. The Hindi speaking people were accommodated by making Hindi as a national language and non-Hindi speaking areas were accommodated through the provision that the English should be retained as the official language for 10 years.

Besides, before the commencement of the debate on every article, Congress parliamentary party would meet and reach a decision based on give and take. Moreover, the national leaders like Nehru, Rajinder Prasad, Maulana Azad, Sardar Patel and B.R. Ambedkar believed in consensus and toned down their staunch ideological stance for this purpose. Last but not the least; the constitution was made when India was having euphoria of Independence and trauma of partition. In such a situation, the possibility of consensus building became easier. (Basu, 1978)

If we look at the political history of India since independence, we find that federalization has been complementary for democratization and democracy has been functional for federalization. In other words, there has been a dialectical relationship between the two which has been nurturing the both. It was the federalization during Nehru era which strengthened democracy. Nehru followed the style of consensus and accommodation which was essential for nurturing democracy and federalization. He not only took the Chief Ministers of the States into confidence while appointing Governors but also wrote monthly letters to keep them aware of the stance of the central leadership. Nehru also permitted inner-party democracy in the

Congress which linked village/mohalla, mandal/town, industrial states and the All India Congress Committee further linked them all together. It was again to promote democracy and federalism that Nehru agreed to the reorganization of the states in 1956 and division of Bombay in 1960. In the introduction of Panchayati Raj<sup>1</sup> in 1959, he aimed at democratization and federalization.

### **The Indian Traditional Principle of Consensus**

Another traditional value that characterizes federal and democratic politics in India is the principle of consensus. Since times immemorial, the village council or the panchayat has been operating on the principle of consensus. Decision through a mediator has been very old practice. Distaste for conflict and commitment to harmony are fundamental to the epic literature of India from which the masses draw every day inspiration. They are fundamental also to the philosophical intellectual and historical norms of the Indian culture. According to Rajni Kothari, the Congress party was indeed the 'party of consensus'. (Kothari, 1978) And under Nehru's leadership, the strategy of consensus was carried on. These values are even now shared by the political leadership and the masses of Indian society. They have an important effect on both the form and content of decisions and behavior of groups in the society. Lal Bahadur Shastri, Indian late Prime Minister, relied on a consensual decision-making style.

But dysfunctional features emerged in democracy and federalism in 1971 after Indira Gandhi was voted to power in the 1970 parliamentary election. She de-democratized and de-federalized the Indian polity. At the central level, she undermined the authority of

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1. The **panchayat raj** is a South Asian Political System mainly in India, Pakistan and Nepal. "Panchayat" literally means assembly (*yat*) of five (*panch*) wise and respected elders chosen and accepted by the village community. Traditionally, these assemblies settled disputes between individuals and villages. Modern Indian government has decentralized several administrative functions to the village level, empowering elected gram panchayat.

the President of India, the Union Council of Ministers, the Union Parliament and the Supreme Court of India. At the state level, she undermined the authority of Chief Ministers, Council of Ministers, State Legislatures and the High Courts. The Chief Ministers were no longer elected by the Congress legislative party. They were nominated by her and could continue in office till she wanted; so much so that it began to be said that Prime Minister Indira Gandhi had become the Empress of India (In those days, the cult of personality was at its peak and India is Indira and Indira is India was very popular) and the Chief Ministers had been reduced to the status of subedars<sup>1</sup> of the states. She not only undermined the state autonomy through various amendments in the constitution but also tried to change the spirit of the constitution.

The inner-party democracy too was given up and the President and other office bearers of All India Congress Committee and Presidents of Pradesh Congress Committees began to be appointed by her. The de-democratization and de-federalization reached its climax when emergency was imposed in 1975. India virtually became an authoritarian and Unitarian state. The 42<sup>nd</sup> Constitutional Amendment gave a fatal blow to both democracy and federalism.

The Chief Ministers of non-Congress states have successfully propagated the view that the ruling party at the centre runs riots with its power, abuses emergency provisions, ignores the state governments and stifles the federal spirit of the constitution while itself indulging

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1. **Subedar** is a historical rank in the Indian Army, ranking below British commissioned officers and above non-commissioned officers. The rank was otherwise equivalent to a British lieutenant and was introduced in the East India Company's presidency armies to make it easier for British officers to communicate with native troops. Until 1866, the rank was the highest a non-European Indian could achieve in the armies of British India. A subedar's authority was confined to other Indian troops, and he could not command British troops. Before the 1947 Partition of India and the independence of India and Pakistan, Subedars were known as Viceroy's Commissioned Officers, and after 1947 this term was changed to 'Junior Commissioned Officers'.

in a spree of spending, it demands a military-like discipline from the states. It is also their contention that the centre has curtailed and impaired the financial position, authority and responsibility of the state governments. And this deliberate diminution of the powers of the states has all along been justified on the pretext of making and retaining the centre a strong entity. Critics of the state governments argue that the states have been financially irresponsible, that they have used too many of their resources for non-productive purposes and that they have failed to mobilize enough resources of their own. While dealing with the states in administrative matters, the centre has always exercised its power within the framework of the constitution.

But the ushering in of the Janta Phase in 1977 restored democracy and federalism. However, the restoration of Congress to power in 1980 once again started the process of de-democratization and de-federalization. This is evident from the dismissal of Non-Congress Governments in the states in 1980, deployment of army in Assam, Operation Blue Star and Operation Woodrow in Punjab in 1984 and the toppling of the national conference government in Jammu & Kashmir. It was this de-democratization and de-federalization which not only led to her assassination but also gave birth to militancy and secessionism in Punjab, Assam and Jammu & Kashmir.

The restoration of the processes of democratization and federalization since the era of Rajiv Gandhi has, however, checked the drift from federalism to strong centre. The regionalization of Indian politics, federalization of party system since 1989 has also been functional for democracy and federalism. Even the attempts of the BJP<sup>1</sup> led NDA regime too failed to derail these processes.

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1. The **Bharatiya Janata Party (BJP)** (means: Indian People's Party) is one of the two major political parties in India, the other being the Indian National Congress. Established in 1980, it is India's second largest political party. The Bharatiya Janata Party traditionally has supported Indian Nationalism and strongly advocates conservative social policies, self-reliance, free market capitalistic policy, foreign policy driven by a nationalist agenda, and strong national defense.

However, the installation of UPA<sup>1</sup> government and strengthening of the forces of secularism in 2004 parliamentary elections have further reinforced democracy and federalism by weakening the forces of communalism which has been threatening these twin processes.

The return of UPA power in 2009 only strengthens Indians conviction that the future of democracy and federalism are safe in it. It may not be out of context to infer that it was the spirit of federalism and democracy which paved the way for the evolution of coalition politics in India. The coalition politics itself is conducive to the promotion of democracy and strengthening of federal structure. It promotes consensus, politics of accommodation, facilitates decentralization and creates healthy conditions for state autonomy. Moreover, it has specific implications for federal polity and evolution of democratic institutions. State governments can no more be treated like municipalities. Under the present coalition government, the state government has acquired a new sense of importance and independent identity. The coalition politics has also the potential for the promotion of democratic ethos. The weaker sections and minorities have drawn the attention of this government. It has ensured the wider participation involving people living at periphery of the political system. Thus persistence of the multiparty character and the failure of both the Congress (I) and the BJP to emerge as the dominant parties and the persistence of the phenomenon of coalition government also guarantee that future of both democracy and federalism is safe in India.

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1. The **United Progressive Alliance (UPA)** is a ruling coalition of center-left political parties heading the government of India. The coalition is led by the Indian National Congress (INC), which is currently the single largest political party in the Lok Sabha (the lower house of the parliament of India). The Prime Minister of India, Manmohan Singh, and the Council of Ministers are drawn from members of the UPA. INC's President, Sonia Gandhi, serves as the Chairwoman of the UPA.

### Conclusion

By and large, federal democracy has proved to be a suitable form of government of India despite some incidents of friction between the center and the states when the ruling party at the two levels is different. However, it is the duty of the central government to be unbiased and fair while providing facilities and funds to the states. Cordial and smooth relations between the centre and the states may guarantee great development of the states and the nation as a whole. Federal democracy must be based on the foundation of congeniality, co-operation and reciprocity. In case of the coalition government at the centre, all political parties should take upon themselves the task of running the administration without conflict of interest. That is possible if due recognition is given to all the parties while allocating the portfolios. If based on fair play and justice, coalition can be a successful government with good representation of number of parties. It has the potential to protect and promote federal democracy in India.

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