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Edited by:

**Prof. KUKOYI, Adebola
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5	Pr. MOYE, Austin Stephen	Le sémantisme des titres des romans d'Alain ROBBE-GRILLET et de Michel BUTOR	Department of Foreign Languages University of Benin, Benin City, Nigeria Email: austinejime@

			<u>gmail.com</u>
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8	Mr. AFOLABI, Oladiran	Federalism in India: an assessment of critical issues and innovative	Department of Political Science, Houdegbe North American University,

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FEDERALISM IN INDIA: AN ASSESSMENT OF CRITICAL ISSUES AND INNOVATIVE MECHANISMS

AFOLABI, Oladiran

Department of Political Science,
Houdegbe North American University,
Republic of Benin.

ABSTRACT

Indian is perhaps one of the most populated federal states in the world today. India has a clearly discernible pattern, wherein socio-cultural diversity draws its strength and sustenance from its composite cultural and civilizational thrust. This culture has evolved over centuries, through a process of assimilation and amalgamation of the diverse cultural influxes coming with the hordes of invaders – the Aryans, the Sakas, the Huns, the Pathans, the Moghuls and the Europeans. It is against this backdrop that this paper examines the practice of federalism in India with the desire to bring to the fore of scholarship those unique intra systemic variables that had united the Indian society in spite of the heterogeneity in socio-linguistic and cultural formation. India's federal reconciliation of regional identity with autonomy has a democratic aspect, operating at two levels: any political demand for statehood, or

sub-statehood, must first, demonstrates identifiable popular support of the mass of the people, before such demands could see the light of the day. Second, the political institutions achieved must be elected by universal adult suffrage in every five years, in line with the normal political practice throughout the federation. Also of central importance is the pattern of internal self-determination that has continued to shape and define regional accommodation of identity in Indian. The paper concludes that other lopsided federal systems would do themselves a lot of good to borrow a leaf from the Indian institutional and structural mechanisms with the enduring potentials of achieving sustainable unity in the midst of socio-cultural, regional, linguistic and ethno-religious diversity.

Key words: Federalism, Innovative Mechanism, Socio-cultural Diversity, Regional Accommodation.

INTRODUCTION

India is characterized by a vast spread of cultural diversity and heterogeneity. It has a highly complex and colourful social mosaic but the most interesting aspect of the India system is that this mosaic is not chaotic. India has a clearly discernible pattern, wherein socio-cultural diversity

draws its strength and sustenance from its composite cultural and civilisational thrust (muni: 1)

This culture has evolved over centuries, through a process of assimilation and amalgamation of the diverse cultural influxes coming with the hordes of invaders – the Aryans, the Sakas, the Huns, the Pathans, the Moghuls and the Europeans. Thus, the evolved composite culture of India cannot be compared either with the melting – pot of American society or with the multinational state exemplified by the now defunct Soviet Union. It is therefore in line with this, that Muni (2005) observed that:

India's socio-cultural mosaic is the true picture of “unity in diversity”, like a bouquet of lowers or vegetables in a salad bowl, where every component, while retaining its specific identity, is a part of a larger whole(muni:1)

This paper therefore, examines federalism in India by focusing on the features of the India cultural diversity, within the ambit of civilizational unity, upon which is based on the reality of the multi-ethnic society of India. For analytical convenience, this paper considers the evolution of India

constitution, then examines the root of regionalism in India, thereafter analyses the post-independence accommodation of regional identity. The rest sections look at the federal debate in India, the issue surrounding the centre versus the state or nation versus the region, consider some period of crisis in India federalism and finally make some concluding remark about the general nature and uniqueness of the India system and practice of federalism.

I- FEDERALISM IN CONCEPTUAL PERSPECTIVE

An understanding of the concept of federalism, its basic features and its applicability is a sine qua non to the context of any discussion of federalism and its invocation in any political system anywhere in the world. Suffice it to say however that there is a litany of literature on federalism. However, One of the major problems of social science concepts is the lack of a universally acceptable definition. The concept of federalism is not an exception to this challenge. The definitional problematic of federalism was aptly identified by F.A. Carnell when he suggested that, it is major complication that federalism is not easy to define: it has meant different things to different people. There is a classical version and there are other versions (Carnell 1963) consequently, the literature of political

science is heavily laden with different definitions and characterizations of the concept and practice of federalism. However each scholar has tended to modify the definition to suit specific interests and orientation. Thus a plethora of definitions have surfaced which in varying degrees have tended to define federalism as a form of government, a process of governance, and as well a system of intergovernmental relations. In the process of defining the concept, many scholars have been unwilling saddled to descriptive normative and prescriptive commitment depending on their individual interest and intellectual perspective. While some scholars define federalism from the perspective of the description of the political arrangement in an existing political system, others define it from the perspective of what ought to be or what should be based on their analysis of the geo-political arrangement in existing or potential political systems. In spite of the observed differences in emphasis, one cannot but admit that most of the contemporary writers on federalism owe their intellectual origin to the works of K.C.Wheare who is generally referred to as the father of federalism. His classic works on what we can aptly refer to as true federalism remains the major source and reference point for writings on federalism and its applicability in today's world.

In his epochal thesis on federalism, Kenneth C. Wheare said it entails: 'a division of powers between one general and several regional governments, each of which in its own sphere is coordinate with the others, each government must act directly on the people, each must be limited to its sphere of action; and each must within that sphere be independent of the other (1959). The critical ingredients that can be deduced from Kenneth Wheare's definition of federalism are that for any political system to be so described it must have:

Jordan (1978:303), defines federalism as that form of government which has two levels of authority existing side by side, in some cases sharing powers and in other case not usually several local or regional governments exist in a semi-independent relationship with a central government. Adebayo (2002:203), says that federalism requires that the general and regional that the general and regional governments of a country shall be independent of each other within its sphere, and shall not be a subordinate to one another but co-ordinate with each other.

Federalism is that form of government where the component units of a political organization participate in

sharing powers and functions in a cooperative manner through the combined forces of ethnic pluralism and cultural diversity, among others, which tend to pull their people apart.

II-EVOLUTION OF THE INDIAN CONSTITUTION

Any serious discussion on the evolution of the Indian constitution should realistically start with the year 1892, which marked a watershed in the political and constitutional development of British India. The period before that date witnessed the gradual establishment of British power and of ordered government; the period from 1892 to 1947 was the period of the realization of self-government (Appadorai,1975:404)

The evolution of self-government in India has two aspects on the one hand, it involves the demand by Indians for the government of the country by and for themselves. This is what is known as the Nationalistic idea. On the other hand, we had the demand for the sharing of political power by an increasing number of people. This was what was referred to as the democratic idea. However, these two aspects are often combined and are seemingly indistinguishable (Appadorai,1975:406)

The Indian National Congress held its first meeting in 1885 and demanded inter alia the presence of elected members in the legislative councils, the right to discuss the budget and ask questions, and the reference to a standing committee of the House of Commons of issues between councils and the government. In 1892, the British colonial government recognised (as a result of the National Congress's agitations) the principle of election to both the central and the local legislatures. The next remarkable step was the Minto-Morley Reforms of 1909, which increased the representative elements in the legislative councils. The Act of 1919 introduced several changes in the constitution of India, as regards both the central and the provincial governments. The central legislature was made bicameral; in both the chambers, the council of state and the legislative assembly. There was a majority of elected members (Appadorai, 1975:408)

Steps were taken to make a new constitution for India with the appointment of the Indian Statutory Commission in 1927. Three Round Table Conferences were summoned at London in 1930, 1931 and 1932 to discuss proposals for making a new constitution; and in line with their discussion on a white paper was issued by the government in 1933. Series of

event later took place which resulted into India been divided into two independent states of India and Pakistan. Britain transferred power to these two states with effect from 15 August, 1947(Appadorai, 1975:410). The legal basis of this transfer of power is the India Independence Act passed on 18 July 1947 by the British Parliament.

III- FEDERALISM AND THE ROOT OF INDIA REGIONALISM

Regionalism in India has been rooted in its manifold diversity. India demographically speaking, is the largest country, with a population over a billion, after China, but India is socially and culturally the most diverse country in the world (Bhattacharyya, 2005:5) Today, the over one billion India population live in 28 federal units (states) and 7 union territories (centrally ruled). India's diversity is proverbial. Although predominantly inhabited by the Hindus, who constitute over 80 percent of the India people and are regionally specific, plural in beliefs and practices, and divided by castes and languages. India also contain large proportion of Muslims, who constitute 13 percent of the population spread over the country with more than a million in as many as 13

states (out of 28). We also have Sikhs, Buddhists, Christians, Jains and so on.

Table 1

Religious Composition of Indian Population (2001)

Religion	Population	Percentage
Hindus	827,578,808	80.5%
Muslims	138,188,240	13%
Christians	24,080,816	2.3%
Sikhs	19,215,730	1.9%
Buddhists	7,955,207	0.8%
Jains	4,225,053	0.4%
Others	6,639,626	0.6%
Total	1,028,610,328	100%

Source: Indian Census Reports cited in Bhattacharyya, 2005:5

Table 2

India's Official Languages (1991)

Language	Number of Speakers
Assamese	14,079,699
Bengali	69,595,738
Gujarati	40,673,814
Hindi	337,272,114
Kannada	32,753,676
Kashmiri	56,693
Konkani	1,760,607

Malayalam	30,337,176
Manipuri	1,270,216
Marathi	62,481,681
Nepali	2,076,645
Oriya	28,061,313
Punjabi	32,753,676
Sanskrit	49,736
Sindhi	2,122,848
Tamil	53,006,368
Telugu	66,017,615
Urdu	43,406,932

Source: Census Report of India, 1991. Excludes figures from Jammu and Kashmir, cited in Bhattacharyya.2005:7-8

The features stand out in the first table on religion, regarding regional concentration of religious groups in India. First, there is only one Muslim majority state in India, viz Jammu and Kashmir. This was due, not to any reorganization of territory, but to the fact that the Kashmiri Muslims have been living in Kashmir for centuries. Second, there are three Christian majority states in India, all in the North-East, Nagaland, Meghalaya and Mizoram. These states, again, were created since the 1960s, by carving out Assam, not on the basis of religion, but as a method of recognizing tribal ethnicity. Third, Sikhs are concentrated in Punjab where they form a

majority. Punjab was created in 1996 as a result of reorganization of Indian territories on ethno-religious basis.

Except Sindhi, Urdu and Sanskrit, all the languages listed in the table 2 above are strongly regionally rooted, and states or sub-states have been created with autonomous powers in order to accommodate politically, linguistic identity. This however, does not mean that all the linguistic communities have good statehood, or political association. But beyond the “official languages” there are some 96 languages which are non-scheduled languages with significant number of speakers regionally rooted as well as spread throughout India (Bhattacharyya, 2005:9)

The point that is being reiterated above is that Indian Nationalism is deeply wedded to its regional languages; Indian patriotism is aggressively attached to its provincial frontiers. In the post-independence period, it is language not religion, which, when coupled with regional and tribal identity, has provided the most powerful instrument for political recognition as an ethno-national identity. Hence, India’s linguistic diversity is proverbial. By one estimate, there are some 1,632 languages spoken in India(Basu,1997:187) So far, in India,

eighteen languages have been “officially recognised” and placed under the 8th schedule of the India constitution as a symbolic recognition of identity. An analysis and critical examination of the nature and pattern of regional identity accommodation which makes the practice of federalism in Indian unique since the departure of the British colonial lords will suffice at this point.

IV- POST-INDEPENDENCE ACCOMMODATION OF REGIONAL IDENTITY IN INDIAN FEDERALISM

In the Post-Independence (1947) federal system of India, three clear patterns can be identified in the phases of accommodating regional identity through statehood. The first phase was in the 1950s and 1960s. In this phase, intense (ethnic) mass mobilization, often taking on a violent character, was the main force behind the state’s response with an institutional package for statehood. The union government instituted the states reorganization commission (SRC) in 1953 for reorganizing the political map of India, and passed the famous states Reorganisation Act, 1956 on the basis of the recommendation of the commission. The state reorganization commission reported thus:

It is obviously an advantage that constituent units of a federation should have a minimum measure of internal cohesion. Likewise, a regional consciousness, not merely in the sense of a negative awareness of absence of repression or exploitation but also in the sense of scope for positive expression of the collective personality of a people inhabiting a state or a region may be conducive to the contentment and well-being of the community(Majumdar and Singh,1997)

Thus, on the basis, primarily, of language, major reorganization of India's territory was undertaken in the 1950 and 1960s. 27 states of categories A, B and C in the original Constitution of India (1950) were reduced to 15 with equal status and powers (Bhattacharyya,2005:17)

In the second phase, in the 1970s and 1980s, the main force of reorganization was India's North-East. The basis of reorganization was tribal insurgency for separation and statehood. The main institutional response of the union

government was the North-Easterner states reorganization Act of 1971, which upgraded the union territories of Manipur and Tripura, and the sub-state of Meghalaya to full statehood, and Mizoram and Arunachal Pradesh (then tribal Districts) to Union Territories. The later became states in 1986.

Since India's North-East has remained a perennial base for various kinds of movement for separation and political extremism, bipartite, or tripartite ethnic peace accords have been signed by the government of India, affected state government and the ethnic leaders for a negotiated settlement (Bhattacharyya,2005:17) Such ethnic peace accords have been the bases for subsequent legislation at union and state legislatures for instituting a new state or a sub-state. Region based tribal ethnicity, not language, was the principle of according statehoods or sub-statehood in the North-East. It should however be recalled that given the predominance of Christianity, i.e. the (Baptist mission) in some regions of the North-East, there was a movement for using religion as a basis of demanding statehood in the late 1960s. But, realizing that religion was not going to be recognised as a basis, they quickly shifted to tribal loyalty. (Weiner and Kazenstein, 1981). The third phase which witnessed the movements for the three new states, created in 2000 – chatisgarh out of Madhya Pradesh,

Jharkhand out of Bihar and Uttaranchal out of Uttar Pradesh – were long drawn but became vigorous in the 1990s. A combination of tribal ethnicity, language, regional deprivation, and ecology played significant roles in the creation of these states. However, the legislative process rather than any commission, or ethnic peace accords, prescribed in the constitution were followed in creating these states in 2000.

V-CENTRE VERSUS STATE: FEDERAL DEBATE IN INDIA

Since the coming into force of the Indian Constitution on 26 January, 1950 after some two centuries of British colonial rule, the nature of federalism that this Indian constitution instituted has been subjected to ongoing academic and political debates. Rather than treating it as a dead issue, every generation of scholars, both local and foreign, have thought and rethought about the nature and implications of Indian federalism. Politicians, political parties and mass media have also more or less regularly commented upon the nature and functioning of federalism in India.

Federalism in India is both a colonial and a nationalist legacy in the institutional sense of the term. The British

unitary (nation-state) model of governance proved relatively ineffective for a vast and diverse country like India. The relative failure of their model of governance led them to introduce, by degrees, since the 1920s, doses of devolution and federalism in India, in which the government of India Act 1935 was the major institutional step (Aiyer,cited in Bhattacharyya,2005, This India Act which was modeled after the Canadian Federation Act of 1867, pointed the pattern of governance in India firmly in the direction of federalism.

Nevertheless, the system remained till the days of India' Independence heavily centralized. This was recognised by Morns-Jones when he stated that:

The form of political structure handed over at independence, was, for a country of India's size and diversity, remarkably centre-directed(Morris-Jones,1987)

Immediately after its inauguration in 1950, Indian federalism began to receive diverse, often contrasting and contradictory assessments at the hand of academic observers, Indian and western. The earlier accounts of Indian federalism showed a lot of intellectual reservations about the subject. The centralized character of the federal arrangement vis-à-vis the

states right has baffled and preoccupied most of the observers. For instance, Professor K.C. Wheare (51; 53; 63) made one of the first authoritative comments on Indian federalism when he described the Indian constitution as:

... a system of government which was quasi-federal ... a unitary state with subsidiary federal features rather than a federal state with subsidiary unitary features (Wheare,1951)

Writing in a subsequent work in 1963, Wheare was still doubtful of the federal nature of the Indian constitution, and therefore described it as “quasi-federal but added that it was not meant to be a criticism of the constitution or the government, since a quasi-federal system may well be most appropriate for India(Wheare, 1963) The state rights issue, was hardly debated in the India constituent Assembly of (1946 – 1949). But it was taken up already in the early 1950s by observers as a critical area of judging the federal character of the Indian polity. Thus, K.V. Rao (1953) took on extreme view to show how the centre was usurping the rights of the states. In a subsequent work, Rao maintained strong reservation about India federalism, when he declared:

We can now sum up our impressions about India federalism. There are federal features, but they are not strong enough to make India a federation on par with any known federation so far(Rao, 1961)

At the other end of the intellectual spectrum, there were scholars who were inclined to take a more positive view of Indian federalism. In view of the fact that the federal legislation get implemented only at the state level and by the states, and from the administrative point of view which makes the centre dependent on the states (Alexandrowich,,1957)

CONCLUSION

This paper has attempted an assessment of Indian federalism with emphasis on the evolution of the constitution, regionalism, state versus centre and other issues of major concern. However, two major issues and institutional mechanisms arguably stand out the Indian federalism as structurally unique. First, India's federal reconciliation of regional identity with autonomy has a democratic aspect which operates at two levels: Any political demand for statehood, or

sub-statehood, to begin with must first, demonstrate identifiable popular support born of mass mobilization, before such demands are conceded to. Second, the political institutions achieved must be elected by universal adult suffrage in every five years, as it is the normal political practice for such representative institutions throughout the Indian federation.

Second issue goes beyond the first, it is on the practical reality that Indian federalism has provided the institutional terrain within which various ethnic nationalities in India have taken shape, defined themselves and are able to protect and to celebrate their identity. This is the uniqueness of internal self-determination as the hallmark of Indian federalism and democratic practice. It is the brain behind peaceful co-existence and regional accommodations of identity in the practice of federalism in India.

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