Indian Constituent Assembly Debates and Federalism

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CONSTITUENT ASSEMBLY DEBATES and FEDERALISM

By 08D6015
I. CONCEPT OF FEDERALISM IN THE CONSTITUENT ASSEMBLY
DEBATES

The Indian Constitution, as it stands today, has gone through decades of transformation --
expansion of the ambit of several fundamental rights guaranteed to the citizen against the
State. One striking fact of the Indian Constitution and the nature of our country is that it is
based on the western concept of a federal state. This chapter deals with the discussions that
prevailed in the Constituent Assembly with regard to the concept of federalism and its
intricacies in the Indian context.

J.B. Kripalani, the President of Congress at its Meerut session in November 1946 outlined
the proposed Constitution as follows:

It will be a democratic constitution and will be federal in character. We may not, however, forget
that, in the administrative as in the economic field, centralization more than is absolutely necessary
is inimical to liberty. It is good, therefore, that the provinces in free India shall have the maximum
autonomy consistent with external and internal security.¹

A Committee on Union Subjects submitted its report to the Constituent Assembly on 28
April 1947. It laid down elaborate provisions such as defence, foreign affairs,
communications, revenue, planning, banking and other implied or inherent powers as
union subjects under a Union list. The Partition of India changed the whole constitutional
perspective of India. The ‘communal settlement’, ‘safeguards’ and ‘autonomy’ for the
Muslims in India no longer carried the old sense. The problems of Sikhs and other
minorities had never reached the dimension of the Muslim problem and the former had
never demanded for separate states but only ‘safeguards’.

A trend towards centralization became more irresistible, with the core of the Indian
problem being absent after the Partition. Yet, the Indian situation did not at all rule out the
necessity of a federation as the composite and heterogeneous character of the Indian state
was too real to be ignored.

A federal structure of state with considerable autonomy for the provinces and regions was,
therefore, historically imperative although the Union was certainly going to be much
stronger than what had been anticipated by the Cabinet Mission.

¹ The Statesman, 23 November 1946.
A federal structure was also necessitated by the problem of the princely states. It took a long time to determine the relationship of these states with the Indian mainland after the transfer of power. Yet, it was apparent that some states would maintain their identity and even authority within the union of India.

When Dr. Ambedkar presented the Draft Constitution to the Constituent Assembly, he described the Constitution proposed to be federal, even though the word used in Article 1 was Union and the word ‘federal’ was never mentioned in the Preamble or any other provision. There was a fair consensus in the Assembly that in the view of the external conditions as well as the vastness of the country and its diverse elements, a unitary system was not only undesirable but also unworkable. India therefore was going to have a Federal Constitution. This view was carried by the members till the end, notwithstanding further centralizing elements introduced during the proceedings. After the Partition, the necessity of a strong centre was imperative and going back to a unitary system of governance was not an option. The Second Report of the Union Powers Committee thus observed:

“Now that partition is a settled fact, we are unanimously of the view that it would be injurious to the interests of the country to provide for a weak central authority which would be incapable of ensuring peace, of coordinating vital matters of common concern and of speaking effectively for the whole country in the international space.”

The Union Constitution Committee hence met and decided that (a) The Constitution of India should be federal with a strong centre; (b) there should be three legislative lists, and whatever residue was left unenumerated, should go to the Union, not the States. The accession of Indian states to the Union of India and their subsequent execution of the revised agreements facilitated the implementation of the above mentioned programme with regard to a strong centre and subjects of common concern for the Units of the federation including residuary powers. Subsequent proceedings of the Constituent Assembly were dominated by the need for a strong Centre.

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5. ld (Gadgil).
6. IV CAD, pp. 60ff.
7. It was an inevitable reaction by anxious national leaders to prevent any further fragmentation caused by communal and regional forces.
8. VII CAD, pp. 33, 43.
The concept of federalism did not go unnoticed by the Constituent Assembly. As with many other western political concepts such as republicanism, democracy, parliamentary form of government, the concept of federalism was also adopted in the discussions and later adopted by the drafters of the Constitution. The federal systems of the then U.S.S.R and U.S. were being considered. In U.S.S.R, for example, their diversity of races, languages, and cultures, the sprawling underdeveloped tracts, and their primitive areas of economic backwardness, had provided parallel examples of problems to be solved. But the dictatorial methods used by the Soviets and the monolithic ideology of communism impelled the non-dogmatic and democratic, Western inclined Indian leaders to copy more finely the federal scheme of the United States.\(^9\) The intricacies of this adaptation will be discussed in the next chapter.

With regard to the nature of a federal state, Mr. N. Gopalaswami Ayyangar proclaimed that one of the essential principles of a Federal Constitution is that it must provide for a method of dividing sovereign powers so that the Government at the Centre and the Governments in the Units are each within a defined sphere, co-ordinate and independent. He said that the orthodox definition of federalism\(^10\) as adopted by other Constitutions was not rigidly followed as there was no clear demarcation between the functions of the centre and the states and that they had to be dependent on each other. This definition would not apply to the Indian context as they were facing problems which many of the constitution makers who adopted federalism had not faced historically. The problem was to integrate and bring areas which were under the British Crown under one Federation.\(^11\)

In a historic speech in the Constituent Assembly in November 1949, Dr. Ambedkar listed several features of the Draft Constitution which mitigated the rigidity and legalism of federalism. Dr. Ambedkar referred to the following items:

1. The distribution of Legislative Power between the Union and the States, which gives to the Union, exclusive power to legislate in respect of matters contained in List I

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\(^10\) The orthodox definition of a federation was described in the Report of the Royal Commission for Australian Constitution in 1929: “a form of government in which sovereignty or political power is divided between the central and local governments so that each of them, within its own sphere, is independent of the other.”

\(^11\) V CAD, Report of the Union Powers Committee (N. Gopalaswami Ayyangar).
and a concurrent power to legislate in respect of matters contained in List III of Schedule VII (Article 246).

2. The Power given to Parliament to legislate on exclusively State subjects, namely: (a) with respect to a matter in the State List in the national interest (Article 249); (b) in respect of any matter in the State List if a proclamation of Emergency is in operation (Article 250); (c) For two or more States by consent of those States (Article 252).

3. Provisions for proclamation of Emergency and the effect of such proclamation (Articles 352 and 353).

4. Provisions included in the Constitution which are to be operative unless ‘provision is made to the contrary by Parliament by Law’ or words to the same effect.

5. Provisions regarding the amendment of the Constitution (Article 368).

Dr. Ambedkar made it clear that the power under Articles 250, 352 and 353 of the Constitution can only be exercised by the President of India and requires the approval of both Houses of the Indian Parliament. He summed it up precisely when he said: “These provisions make the Indian Constitution both ‘Unitary as well as Federal’ according to the requirements of time and circumstances. In normal times, it is framed to work as a federal system. But in times of war, it is so designed as to make it work as though it was a unitary system.”

According to Article 1(1) of the Constitution, India is a Union of States. In his capacity as Chairman of the Drafting Committee, Dr. Ambedkar saw to it that the word UNION was substituted for the word FEDERATION. The Drafting Committee said that there were advantages in describing India as a ‘Union’, although its Constitution was federal in structure. Amplifying this view in the Constituent Assembly, Dr. Ambedkar said that the Unitary Government of South Africa was called a Union and so it was not contrary to usage to describe India as a Union. Dr. Ambedkar made it clear that though India was to be a Federation, the Federation was not the result of an agreement (or a contract) by the States to join a Federation, and that the Federation, not being the result of an agreement, no State had the right to secede from it. The Federation was a Union because it was indissoluble.
Again and again Dr. Ambedkar emphasised the cardinal fact that the Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.\textsuperscript{12}

At the broader theoretical level, federalism, Aruna Aladi in his book\textsuperscript{13} posits, has four essential characteristics. The first is “the recognition of two governments, one at the Centre and the other at the Provinces.” The second feature is the clear demarcation of power between the Centre and the States. The third requirement of federalism is a written Constitution whose provisions are binding on the Central and State governments. And the fourth is independence of the judiciary, which may have to deal with cases between the national government and provincial governments and also among provincial governments. A simple Centre-State binary could be misleading in this day and age when two other powerful forces are also at work.

The inference drawn from the several debates on the concept of federalism in the Constituent Assembly is that the founding members desired a federal polity for ease of governance and administration, especially in a country of the size and diversity of India. The line, however, is not clear. There are several debates in India which relate to the concept of federalism, some of them being the centralization/decentralization debate, autonomy/secession (Kashmir issue), Centre-State Relations and their particulars, right of self-determination and whether creation of smaller states is a threat to federalism (North-East, Telangana issues), Article 356 and its limitations. These will be discussed in detail in the third chapter on Crucial Debates on Federalism in India.

II. COMPARATIVE FEDERALISM ACROSS THE WORLD

1. Position of States vis-à-vis the Union: In India, under the Constitution, it is possible for the Union Parliament to redraw or reorganize the boundaries of a state (Article 3) or to eliminate a state completely altogether\textsuperscript{14} by a simple majority in the ordinary process of legislation (Article 4(2)) for social, cultural or linguistic reasons. The state of Andhra Pradesh was formed out of the State of Madras on linguistic grounds in 1953. After this, the States Reorganization Act, 1956 was enacted, followed by the Constitution (Seventh Amendment) Act, 1956 resulted in the formation of many states e.g. Himachal Pradesh,

\textsuperscript{12} News Today, 22 April 2008.
\textsuperscript{13} Aladi Aruna, Unfederal Features of the Indian Constitution; Also see Frontline, May 12-25, 2001.
\textsuperscript{14} State of West Bengal v. Union of India, AIR 1963 SC 1241.
Karnataka, Manipur, Meghalaya, Nagaland, Tripura, Haryana. No Constitutional Amendment is required for the purpose of altering the boundaries of existing states; an Act of Parliament will suffice. The position in the United States and Australia is that a federation is “an indestructible Union composed of indestructible States”.\(^{15}\) It is not possible for the national government to redraw the boundaries of states and form new states without the consent of the state legislatures concerned.\(^ {16}\) Therefore, comparatively, the Indian Parliament has a far more liberal power to redraw state boundaries. Since India’s Independence, many such demands have surfaced. For example, the demand for a separate state of Telangana in Andhra Pradesh.

2. **Federal Equality of States**: An essential principle of American federalism is the equality of the component states under the Constitution. This principle is reflected in the equality of representation of the States in the Upper House of the federal legislature (i.e., the Senate). A similar system is followed in Australia. In India, however, in Rajya Sabha, there is no equality of representation. In the Fourth Schedule of the Constitution, the number of members from each state varies from 1 to 34. Such being the composition of the Upper House, the federal safeguard against the interests of the lesser states being overridden by the interests of the larger or more populated states is absent.

3. **Right to determine own Constitution**: In India, no state has a right to determine its own constitution except Jammu and Kashmir.\(^{17}\) In the United States, however, every state has a right to determine and frame its own constitution. Indian states have no independent power to make alterations to the federal constitution.

4. **Nature of Polity**: An American has dual citizenship i.e., he/she is a citizen of the state he/she resides in and also of the federation i.e., United States. Therefore, he owes allegiance to two governments, each being independent of one another. The Indian Constitution avoids all complications that arise out of double allegiance and different sets of privileges and immunities as in the U.S.A.\(^ {18}\) Therefore there is only one citizenship for Indians -- citizenship of India.\(^ {19}\)

\(^{15}\) *Texas v. White*, (1868) 7 Wall. 700, 720.

\(^{16}\) In the U.S. Constitution: Art. IV s. 3(1); in the Australian Constitution: Ss. 123-124.

\(^{17}\) Article 370 (2), Constitution of India.

\(^{18}\) VIII CAD, 34.

\(^{19}\) Article 5, Constitution of India.
5. **Legislative powers:** In general, the Constitution divides executive power between the Union and the State, but this is not intended to be a watertight compartmentalization. Articles 73 (1), 162, 249, 256, 257, 258, 258A, 356, 365 specify such powers.

6. **Judicial powers:** Unlike in the United States, where there is a dual system of administration of justice with separate systems in a state called the State Supreme Court enforcing state laws and the Federal Supreme Court, in India, there is a hierarchy of courts, based primarily on appellate jurisdiction, where both High Courts and Supreme Courts at the state and federal level enforce state and Union laws.

7. **Strong Central Bias:** In Indian Constitution, even though there is a distribution of powers between the Union and the States as under a federal system, the distribution has a strong central bias and the powers of the states are hedged in with various restrictions which impede their sovereignty even within the sphere limited to them by the distribution of powers basically provided by the Constitution.\(^{20}\)

8. **Deviations from normal federal ideas:** The federal government in India can convert itself into a unitary one in emergencies.\(^{21}\) It is open to the Union Government to supersede a State government which refuses to carry out its directions as are authorized by the Constitution.\(^{22}\) Legislative power of the Union can also extend to the State list.\(^{23}\) In situations where a financial emergency needs to be proclaimed, the state is bound to follow everything that the Union directs it to do and everything it deems necessary for financial propriety.\(^{24}\) There are other provisions which allow the Union to assume executive and legislative powers for a state in the event that a report by the Governor of the State is submitted to the President in relation to the breakdown of the constitutional machinery.\(^{25}\) There are heavy penalties if the state does not carry out any directions given by the Union in such a contingency.\(^{26}\) The power to suspend constitutional machinery is vested in the President, not only when a report is submitted by the Governor, but also *suo motu* whenever she is satisfied that a situation calling for the exercise has arisen. It is thus a coercive power available to the Union against the units of

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\(^{21}\) VII CAD, 34-5. The power of the Union Government to give directions to the State Government will extend to any matter during an emergency - Article 353(a).

\(^{22}\) Article 365, Constitution of India.

\(^{23}\) Article 250 (1), Constitution of India.

\(^{24}\) Article 360, Constitution of India.

\(^{25}\) Article 356, Constitution of India. ("CoI")

\(^{26}\) Article 365, CoI.
the federation, for which there is no precedent in the better known Constitutions in the world.27

III. CRUCIAL DEBATES ON FEDERALISM IN INDIA

Centralization or Decentralization of Power: The Indian federation is confronted simultaneously with problems of centralisation and of decentralisation and the question that arises is what role the constitution can play in face of these conflicting tendencies. The decentralizing tendency in the Indian Constitution was first exhibited when the states were reorganized on linguistic lines. The Constitution presents no obstacle in reorganizing states on linguistic lines; in fact it renders the task extremely easy.28 Article 3 which enables the Parliament to redraw state boundaries is a case in point. Another centralizing tendency in the Indian Constitution can be seen during an emergency declared under Articles 352-360 of the Constitution. Suffice it to say that, the state becomes unitary in nature till the culmination of the emergency. The members of the Constituent Assembly showed considerable foresight in including these provisions into the Constitution as they may enable the country to face any danger by centralised action without affecting its ultimate federal structure.29 Centralising tendencies have increased the powers of the centre but have not destroyed the powers of the local states. They perform substantial legislative, executive and judicial functions without being reduced to agencies of the centre.30

The aforementioned author was writing in 1954 when the Indian Constitution had been in existence for only four years. The problems that came with the centralizing tendency of the Constitution were manifold. This paper will only deal with the misuse of Article 356 by the Union, the 1988 Report of the Sarkaria Commission on Centre-State Relations and the landmark Supreme Court judgment of S. R. Bommai v. Union of India.31

In stressing India’s federal structure, P. M. Bakshi, a legal authority, has stressed its centralizing tendency as follows:

…..the Indian constitution exhibits a centralizing tendency in several of its provisions, e.g. the adoption of a lengthy Concurrent list, the power of the Parliament to reorganize the political

27 Durga Das Basu, Comparative Federalism, pp. 133.
29 Id, pp. 400.
30 Id, pp. 402.
31 AIR 1994 SC 1918.
structure of the country, supremacy of the Constitution over state legislature if there is a direct conflict between their respective jurisdictions, vesting of the residuary legislative power in Parliament and powers of the Governor to reserve Bills for consideration of the President of the Republic. Fourthly, in certain circumstances, the Union is empowered to supersede the authority of the state, or to exercise powers otherwise vested in the states.\(^\text{32}\)

The Sarkaria Commission on Centre-State Relations in 1988 suggested that Decentralisation of real power to these local self-governing institutions (such as zilla panchayat) would thus help defuse the threat of centrifugal forces, increase popular involvement all along the line, broaden the base of our democratic polity, promote administrative efficiency and improve the health and stability of inter-governmental relations. There was, unfortunately, a greater trend towards centralization of power due to the pressure of powerful socio-economic forces. There has been considerable reluctance to decentralize powers to these local bodies like Districts, Municipalities, and Panchayats etc. The Report also suggests that undue centralization leads to blood pressure at the centre and anaemia at the periphery, an inevitable result of which is more morbidity and inefficiency. The problem is in fact aggravated by centralization.\(^\text{33}\)

It is by now accepted by all that the centre is overloaded with powers and functions. Decentralisation is therefore the foremost agenda for India's political economy. Two sub-agendas require simultaneous attention: a new economic policy which does away with centralising bureaucratic controls but not with caring for the poor, whether it is poor people or poor regions; and a new political policy which devolves to lower democratic formations all powers and functions other than those the centre alone can and should have, thereby allowing the people to have a greater say in their own affairs. The two are vitally interlinked in that it is only by empowering the people politically through genuine devolution that the poor among them can, on the strength of their numbers, hope to secure their due share of benefits economically. But caring for the poor does not as yet appear to be one of its principal elements. As for establishing a linkage with a new political policy aimed at devolving power to the people, the need has, perhaps, not yet occurred to policy-makers. The starting point for fresh thinking in regard to devolution has to be the recognition of sub-nationalism as a growing reality. The notion of a more federal India


\(^{33}\) For a consolidated account of the Sarkaria Commission on Centre-State relations, see S. R. Sen, *Centre-State Relations in India*, 23 (32) EPW 1637, (August 6, 1988).
would then cease to be hazy and acquire contours. The federal centre would, as a first inference, have to be viewed as the focal point at which the various sub-national identities converge rather than as a source from which power is imposed upon them. Devolutionary measure would, as a consequence, need to be worked out in a spirit of partnership between the federal and sub-national levels rather than unilaterally by a dominant centre. Many such measures would be of general applicability. The most pressing of these would have to be a new financial regime in which there is a decisive move away from discretionary to assured devolutions with an assured and built-in weightage for backward areas, both assurances to be made constitutionally mandatory, if possible in quantitative terms. A corollary to this, as also to the new economic policy, must surely be a new planning regime the acceptability of which flows out of consensus rather than from imposition. New regimes in these sectors would indicate that Indian federalism was beginning to come to terms with sub-nationalism. But would measures of general applicability be good enough? Would they not be as uniformly prescriptive as the Constitution itself and therefore fail to solve the special problems of individual states? In a sense a single Constitution for a country of many and varied sub-nationalities is a centralising anachronism. Is there a case for allowing individual states to legislate their own forms of governance should they choose to do so? Essentially this would amount to federalising the constituent power of parliament. Seen in another way it would advance the principle of exceptions inherent in the special provision articles already in the Constitution. The difference would lie in the states legislating for themselves instead of the centre doing so for them. The exercise of federalised constituent power would have to follow procedures similar to those for amending the Constitution. The question therefore is whether the federal polity of India is an exclusive or inclusive one. With the burden on a central power increasing day after day, decentralization of functions seems to be the new alternative for the Union. The diversity of the Indian subcontinent further enables a strong local base to deliver the promises from which the poor can alleviate their poverty and rise up economically. The decentralization of power, especially the Panchayats and Municipal bodies has becomes imperative in carrying out the socialist principles on which our Constitution is based and this can only be achieved by further decentralization to efficient local self-governing bodies which will also carry forward the federal principles of our country.

Article 356 and the S. R. Bommai judgment: A Frontline article\textsuperscript{35} claims that provisioning the federal Constitution with the knife of Article 356 was the biggest blunders the founding fathers of our Constitution could make. This knife has been used hundreds of times ever since. The article also argues that abuse\textsuperscript{36} of Article 356 has been the grossest and most persistent form of violation of the democracy and Constitution of India. Admitting that the Centre had been given power to override the states, Dr. Ambedkar placed on record the expectation that Article 356 would “never be called into operation” and that it would remain a “dead letter”. Unfortunately, the vision behind this constitutional compromise was dishonoured repeatedly in republican India. This situation fortunately changed after Supreme Court ruling in S. R. Bommai, the nine-member Constitution Bench took up two of the critical issues before Indian politics, secularism and federalism, and came up with a powerful determination that, if put to work, could make a real difference to the working of the political system. In practical terms, it full-throatedly upheld the dismissal of the BJP State governments of Madhya Pradesh, Rajasthan and Himachal Pradesh in December 1992 - because their anti-secular actions were inconsistent with the secular Constitution. Upholding the priority of secularism as part of the basic structure of the Constitution, it laid down the principle that Article 356 use in the defence of secularism against communal threats and challenges was perfectly justified. The majority, however, held as unconstitutional the Centre's use of the knife of Article 356 in Nagaland (1988), Karnataka (1989) and Meghalaya (1991), although there was no possibility of reversing the effects of these unconstitutional actions.

In arriving at these politically important verdicts, the apex court undertook a \textit{de novo} and partly radical exploration of Article 356. In making up its mind at the end of the exploration, the court placed on high ground and beyond constitutional question the power of judicial review over Centre-State relations generally and, in particular, over the resort to Article 356 by the Centre. Without such a power, the written constitutional scheme, and any question of fairness and justice subsisting in the federal aspect of the scheme, would be a fraud. The majority judgment served notice on the system that, in future, the constitutionality of the use of Article 356 would be eminently justiciable. Therefore, the SC brought under the ambit of judicial review, any act of the Union under Article 356 and

\textsuperscript{35} Article 356, Bommai and fair play, Frontline, July 4-17, 1998.
\textsuperscript{36} For an illustration of the misuse of Article 356 in the 1960s in Tamil Nadu, see Krishna K. Tummala, India\textquotesingle s Federalism Under Stress, 32 (6) Asian Survey 538, (June 1992).
made it subject to the test of constitutionality. In recent years, use Article 356 has been resorted to in exceptional circumstances or as a last resort after exhausting all circumstances. There have also been demands for an amendment to this Article so that there are necessary safeguards to prevent further abuse.37

Cultural Autonomy and Right to Self-Determination:

A consociational (power-sharing) interpretation of Indian democracy reveals that it has exhibited all four characteristics of a power sharing theory namely (1) grand coalition governments that include representatives of all major linguistic and religious groups, (2) cultural autonomy for these groups, (3) proportionality in political representation and civil service appointments, and (4) a minority veto with regard to vital minority rights and autonomy. The characteristic that is relevant to our discussion is Cultural Autonomy. For religious and linguistic groups, cultural autonomy has taken three main forms in democracies (1) federal arrangements in which state and linguistic boundaries largely coincide, thus providing a high degree of linguistic autonomy, as in Switzerland, Belgium; (2) the right of religious and linguistic minorities to establish and administer their own autonomous schools, fully supported by public funds, as in Belgium and the Netherlands; and (3) separate "personal laws"- concerning marriage, divorce, custody and adoption of children, and inheritance for religious minorities, as in Lebanon and Cyprus. Indian democracy has had all these three forms, the last two from the very beginning and linguistic federalism since the 1950s.39 History shows us that the Congress had promised that upon assuming power, it would commit to formation of linguistic provinces. With the adverse reports of the commissions, the Constituent Assembly refused to make any proposal regarding linguistic states. It listed 14 national languages in the eighth schedule, but refrained from any mention of linguistic reorganisation of states. Later, however, under tremendous pressure of popular demand, mass discontent and rebellion of Congressmen at the provincial level, the government was compelled to announce the establishment of Andhra province (1953). The decision to create an Andhra province logically encouraged similar demands throughout the country so much so that it seemed, "we are on the verge of a civil war". It also seemed that "we have disturbed a hornets' nest and I believe most of us

37 The Hindu, 30 August 2003.
39 Id., p. 260.
are likely to be badly stung." The creation of Andhra Pradesh did not calm the unrest as its constituents were the Telugus and Telanganas. On the one hand there was a move to unify all the Telugus in one political unit called 'Vishal-Andhra ' and on the other, the Telangana region wanted to separate from Andhra and form a different state of their own. The Telangana region complained deprivation at the hands of the dominant Telugus. There were wide-spread disturbances over the issue all through the 1960s and early 1970s. The State reorganization Committee was against the merger of Telangana with Andhra state. The Central Government decided to ignore the recommendations of the Commission and decided to form a unified Andhra Pradesh. However, the Telanganas rights were reassured under a “Gentleman’s Agreement” signed between both the Andhra Pradesh and Telangana representatives where a Regional Standing Committee was to be formed under the State Assembly which would have powers of local self-governance. The Telangana people were never given their right to self-determination despite them being a linguistically different community than the majority Telugu people. Linguistic federalism was recognized by the Indian Union upon the reorganization of states such as Karnataka and Kerala on linguistic lines.

Even today, the issue is thrown around by political bigwigs during polls and their reassurances of a separate state for Telangana falls on deaf ears and become yet another failed promise in a long list of deceptive assurances. States such as Jharkhand and Chattisgarh have received autonomy from their former larger states based on their cultural differences and incidences of historical deprivation. Similar demands for autonomy of the Kashmir region and the right of self-determination of the Kashmiri people have plagued the polity of India since Independence. Many secessionist and separatist movements have arisen and fallen down with time, but the calls for such steps never received the assent of the Union because of serious ramifications involved with the neighbouring country of Pakistan. The concept of federalism therefore is upheld in provinces like Kashmir with them having their own methods of functioning and the special

status granted to it under Article 370 of the Indian Constitution. The growth of sub-nationalities, from Nagas to Bodos to Sikhs to Telanganas, demanding political autonomy in form of statehood under the Federal Union to demanding separation or secession from the Indian Union, has affected the principles of federalism this nation was established on. Reluctance of the Union to act on many of these incidences has shown a lack of concern for the rights of entire communities which have been subjected to historical oppression. Where Uttarakhand was formed out of Uttar Pradesh for administrative convenience, the gaping question is why Telangana is not being given its share of the deal despite their problems being more pressing and critical. Ethnic differences have always been considered the strongest case for political autonomy, but if the Union is unwilling to grant a people their right to their own land fearing secessionist or fissiparous tendencies, the denial of their right to self-determination is justified as the integrity of the federation of states is supreme to a federal democracy.

India will prosper only if all its states prosper. If there is discord between the Centre and the States, the strong foundations of federalism and democracy on which our country has thrived will start collapsing. It is a cause of concern and wonder that federalism has worked in India, may be not in its purest theoretical sense. What is yet to be seen is how successive governments deal with the problems of decentralization and demands for autonomy and statehood. There is hope for our polity to build on what the previous government left behind and through this we must create a legacy for the entire world to see, respect and admire.

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46 See Achin Vanaik, Is there a Nationality Question in India? 23 (44) EPW 2278, (October 1988).