

BLOCK 2
FEDERALISM

THE PEOPLE'S
UNIVERSITY

BLOCK 2 INTRODUCTION

India is a Union of states. Apart from the states as the principal units of governance below the central state of India, there are local units of governance within every state – the PRIs and municipalities. The block is about federalism in India. Four units in this block discuss the nature of relationships between different units of governance in India. Unit 3 is about legislative, administrative and economic relations between the states and Union of India. Unit 4 deals with relations between the state and local units of governance. Units 5 and 6 are about state autonomy, and sub-regional autonomy and governance respectively.



UNIT 3 UNION-STATE RELATIONS: LEGISLATIVE, ECONOMIC AND ADMINISTRATIVE*

Structure

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- 3.4 Administrative Relations between the Center and States
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 - 3.4.3 Delegation of powers from Center to States
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3.0 OBJECTIVES

This unit deals with the nature of the Indian federation and the historical circumstances that shaped the Indian federation. It also deals with various Constitutional provisions related to the functioning of the Indian federation. After reading this unit, you will be able to:

- Explain the meaning of Federalism

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- Discuss the Indian federation and the historical factors that shaped
- Elaborate upon the division of powers between Center and States and Constitutional provisions
- Identify the conflict areas in the working of the Indian Federation
- Assess the nature of Indian federalism

3.1 INTRODUCTION

India is a Union of States. It is a federation. In the federal form of government, political power is divided between the Centre or Union government and states/parvincial governments. Both the Center and States derive their powers from the Constitution and function in their respective jurisdiction independently. The supremacy of the Constitution is one of the essential features of a federation. Allocation of power between the Centre and the States is known as the division of power. Division of power is different from the separation of powers. The former is about the distribution of powers between the Union and the states, and the latter is about the separation of powers among three organs of the State – legislature, judiciary and executive. In India, the division of powers is allocated in the Constitution of the country. In this unit, you will read about the arrangement of distribution power in different aspects, i.e., legislative, administrative and financial.

3.2 THE MAKING OF INDIAN FEDERATION

The evolution of the Indian federal system can be traced back to provisions that were introduced in the pre-Independence period. The Government of India Act 1935 had established the federal form of Government. The Cripps Mission of 1942, the Cabinet Mission of 1946, and the objectives resolution proposed by Nehru in the Constituent Assembly provided for a federal form of government. However, because of India’s situation on the eve of Independence, the Indian federal system needed to have a strong centre in relation to the states. After the Second World War, the Indian economy faced deficits and food shortages. The communal riots that accompanied India’s partition posed a severe question of maintaining law and order. In such circumstances, the Constituent Assembly of India underlined the need to introduce a strong centre within the federal framework. Emphasising the need to have a strong centre, Constituent Assembly S. Nagappa, member of the Constituent Assembly, said on 5th November 1948, “Especially as we all know that we have won our freedom very recently. We require sufficient time to consolidate it and retain it for all time to come for another reason also the Centre has to be strong. Now let us not divide based on provinces. So in order to unite all provinces and to bring about more unity, it is in the country’s interest as a whole to have a strong centre” (CAD.vol.VII:252). The Constituent Assembly felt that to drop the idea to have a strong centre would risk India’s unity, integrity and nationhood. It is significant to mention that the framers of the Indian Constitution deliberately avoided using the term ‘Federation.’ Instead of the federation, the Constitution describes India as a ‘Union of States.’ The word federation is not even mentioned in the Constitution of India. Article 1 describes “India, that is Bharat, shall be a union of states.” Dr. B.R. Ambedkar explained the significance of using the expression ‘Union of states’ instead of the ‘Federation.’ He said, “what is important is that the use of the word ‘Union’ is deliberate.... though the country and the people may be

divided into different states for convenience of administration, the country is one integral whole, its people a single people living under a single imperium derived from a single source.” (CAD.Vol.VII:43) Thus, the Constituent Assembly was committed to the federal principle, and at the same time, convinced of the need for a strong centre. Simultaneously, some scholars describe it as a federal structure with a strong bias towards the Centre. Others feel that it is more unitary than federal. K.C. Wheare terms it as a “Quasi-federal state.” This is a middle position, which cannot be called a federation in the classical sense of the term.

3.3 LEGISLATIVE RELATIONS BETWEEN THE CENTER AND STATES

Indian Constitution has established a federal polity. It has laid down a clear and detailed division of powers between the Union government and the State governments. The Constitution contains various provisions to regulate the legislative, executive, and financial relations between the Union government and the State governments. Let us discuss it. Articles 245 to 255 in Part XI of India’s Constitution spell out legislative relations between the Centre and the States. The Seventh Schedule of India’s Constitution contains the allocation of powers and functions between the Centre and States. It has three lists 1) Union List, 2) State List, and 3) Concurrent List.

3.3.1 Union List

The Union Parliament has exclusive powers to make legislation on the matters included in the Union List. The Union list has 100 subjects at present. External affairs, Defence, Communications, civil aviation, railways, inter-state trade and commerce, banking, currency, insurance, etc., are crucial subjects in the Union List.

3.3.2 State List

The State Legislatures have exclusive powers to make legislation on the matters incorporated in the State List. The State list has 61 subjects at present; initially, it consisted of 66 subjects. The laws made by a particular state legislature on the subjects in state list apply to only that particular State. Law and order, police, prison, Agriculture, land revenue, local government, public health, land liquor, state public services, and fisheries are significant subjects in the State List.

3.3.3 Concurrent List

Both the Center and States can make laws on the subjects included in the Concurrent List. The Concurrent list has 52 subjects at present. Initially, it consisted of 47 subjects. The 42nd Constitutional Amendment Act 1976 shifted five subjects to this list from the State List. Education, forests, electricity, weights and measures, adulteration, adoption and succession, trade unions are important subjects in the Concurrent List. In case of conflict between Union Law and State Law on a subject incorporated in the Concurrent List, Union law prevails over State law. However, there is an exception to this rule under Article 254 (2). The law of the State legislature on any item in the Concurrent List shall prevail over Parliament’s law on the same subject if the State law was reserved for the President’s consideration and received President of India assent.

3.3.4 Residuary Powers of Legislation

Article 248 of the Indian Constitution deals with the Residuary powers of legislation. The Residuary powers legislation is given to Center, and Parliament of India alone can make legislation on the subjects not included in any of the above three lists. This residuary power consists of the power to levy any residuary taxes also.

3.3.5 Center's Control and Supremacy Over State Legislation

The above-mentioned distribution of powers between the Center and states is to be followed in normal circumstances. However, the Central Government has supremacy over states under certain exceptional situations. Constitution empowers the Union Parliament to make laws on the subjects incorporated in the State List in an emergency.

- 1) As per Article 249 of India's Constitution, if the Rajya Sabha, because of the nation's interest, passes a resolution by a majority of two-thirds of its members requesting Parliament make legislation on a State List subject, Parliament makes such law. Such legislation made by Parliament shall continue in operation for one year. However, it can be extended for one more year if required.
- 2) Article 250 of India's Constitution empowers the Parliament to make laws on any State List subjects during the national emergency. However, the Parliament's laws under this provision will cease to operate on the expiration of six months of the emergency. The state legislature's power to make laws on the same subject is not restricted. However, in case of disagreement between State law and Parliament law, only the Parliament's law prevails.
- 3) As per Article 252 of India's Constitution, if two or more States' legislatures request Union Parliament through a resolution to make a law on a particular subject mentioned in the State List, which is useful for states, the Parliament makes such laws.
- 4) Article 253 of India's Constitution authorises the Parliament to make law for the whole or any part of India's territory for implementing any treaty, international agreement or convention with any other country or countries.
- 5) During the proclamation of President's Rule in a State under Article 356 of the Indian Constitution, the Union Parliament makes the laws over the subjects included in the State List.
- 6) Besides the provisions mentioned above, the Center exercises control over State legislation. Article 200 of India's Constitution deals with the Governor's powers to assent given to the bills passed by the State legislature. The Governor may reserve specific bills passed by the State legislature for the consideration of the President of India. Moreover, the President enjoys full powers over such bills to give or reject assent. The bills on some matters incorporated in the State List need the President of India's prior permission. The President can direct the States to reserve money bills and other financial bills passed by the State legislature for his consideration during a financial emergency. (Article 200) The Constitution empowers the Governor to reserve a bill for the President's consideration. This is a significant discretionary

power of the Governor to ensure that the State’s laws fall within the Constitution’s larger ambit. Contrary to reality, its procedure misused to water down a bill legitimately passed by the state legislature.

Check Your Progress 1

- Note:** i) Use the Space given below for your answer.
- ii) Check your answers with the model answers given at the end of the unit.
- 1) Briefly explain the distribution of legislative powers between Center and States?

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3.4 ADMINISTRATIVE RELATIONS BETWEEN THE CENTER AND STATES

The Constitution of India established a strong central government with many unitary features. In normal circumstances, state governments exercise their constitutional powers within their jurisdiction. The executive power of the Center covers the entire India. Similarly, the State executive power extends to its territory relating to the State List subjects. However, the Union government exercise control over the States’ executive powers in several ways as specified in various provisions of the Constitution. According to Article 162 of India’s Constitution, the Union Government’s executive power extends to all the subjects on which Parliament can make laws. The State’s executive power shall be exercised in conformity with the laws made by the Union Parliament. Let us discuss it.

3.4.1 Center’s Directions to the States

Article 256 of the Indian Constitution entrusts that every State’s executive power is to be exercised in such a manner as to ensure compliance with the laws made by the Union Parliament. Article 257 empowers the Union Government to give necessary directions to a State for that purpose. The directions in this regard can be issued about communication relating to national or military significance. The Constitution also spells out the implications of non-compliance of the Centre’s directions by the States. According to Article 365, if a State fails to comply with any directions of the Union government, the President can hold that the State government is unable to carry on according to the provisions of the Constitution. Consequently, it can lead to the imposition of the President’s rule under Article 356.

3.4.2 Proclamation of Emergency under Article 352 and 356

Article 352 empowers the President of India to declare a national emergency when the security of or part of India is in danger by war, external aggression or,

internal armed rebellion. During the national emergency, the Centre has the executive power to direct any state regarding the manner in which the executive power is to be exercised.

The Center can proclaim the President's Rule under Article 356 of India's Constitution if there is a breakdown of Constitutional machinery in a State. During this period, the Union Government can take direct control over State machinery. The President (that means the central government) takes over any of the State Government's functions. Almost all the states in India have been kept under the President's rule, and this is one of the most controversial and most misused provisions of India's Constitution. The irony is that Dr B.R Ambedkar, on 4th August 1949 in the Constituent Assembly, anticipates "such articles will never be called into operation and that they would remain a dead letter." (CAD.vol.IX:111) The misuse of article 356 was started by the Nehru government and continued by successive governments irrespective of party. Nehru dismissed the Punjab government led by Gopichand Bhargava, despite commanding the majority in the state Legislative Assembly. The Andhra state's government was dissolved in 1954, and in 1959 the communist government in Kerala dismissed because of political reasons. The Janata Party came to power in 1977 and dismissed all the state governments headed by the Congress party and dissolved the Assemblies on the strange ground that Congress Party had lost the peoples' mandate as it lost in Lok Sabha elections. Indira Gandhi returned to power in 1980 and dismissed all Janata Party governments in the States, stating the same reason Janata Party had lost the peoples' confidence.

3.4.3 Delegation of powers from Center to States

The President may assign specific functions to the State Government or its officers' to which the executive power of the Union extends with some conditions or unconditionally (Article 258 of the Constitution of India).

3.4.4 Appointment of Governor and Role of Governor

The Governor is the Constitutional Head of the State in India which is a Union of states. The President of India appoints the Governor of a State. The Governor performs functions as the agent of the Center and submits period reports to the Center. Thus, the Center exercises control over States through the Governors' office. Governor exercises certain discretionary powers. The discretion becomes more common with reference to the following issues: the formation of the government after the general elections, choosing the Chief ministerial candidate, especially when there is no clear mandate to any political party in the legislature, determining the timing for proving majority in Legislative Assemblies, give assent to bills or reserving bills for the President of India.

3.4.5 Interstate Water Resources and National Highways

Parliament can declare Highways and Waterways as National Highways or Waterways. Article 262 deals with waters of inter-state rivers and river valleys. Parliament can also frame the rules and regulations regarding disputes between two states or among the few states concerning water distribution.

3.4.6 Inter-State Council

Article 263 of India’s Constitution gives power to the President to appoint an Inter-State Council to inquire about the disputes that may have arisen between the States; to investigate and discuss subjects in which the Sates or the Union and States have a common interest; and, to make recommendations upon these subjects and in the particular recommendation for the better coordination and action in respect of these subjects.

3.4.7 All India Services

Both the Center and the States control the All India Services (IAS, IPS and IFS). However, the Center has ultimate control over these services, whereas States exercise immediate and relatively less control.

Check Your Progress 2

- Note:** i) Use the Space given below for your answer.
- ii) Check your answers with the model answers given at the end of the unit.

1) Write a short note on how the Center can exercise administrative control over sates?

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3.5 CENTER-STATE FINANCIAL RELATIONS

The political autonomy of the federal units is incomplete without financial autonomy. Therefore, the Constitution has provisions about distribution of financial resources to the States. Articles 268 to 293 contained in Part XII of the Constitution deal with Centre-State financial relations. As per Constitutional mandate, no tax shall be levied or collected except by the authority of law (Article 265) . The Parliament has exclusive power to levy taxes on subjects incorporated in the Union List, and the State legislature has exclusive power to levy taxes on the State List subjects. Both Union and State governments can levy taxes on the subjects enumerated in the Concurrent List. The residuary power of taxation lies with Parliament only. Before the enactment of the 101st Constitution Amendment Act, 2016 and the introduction of GST, taxation powers were divided between the Centre and States. the Constitution spelt out the mechanism for levy and appropriation of tax revenues between the Center and States under the Articles 268, 268A, 269, 270, and 271. The 101st amendment replaced various Central and State taxes such as excise duty, service tax, sales tax, entry tax and entertainment tax etc, and a uniform Good and Services Tax (GST) for the whole country.

3.5.1 Grant-in-aid

Besides sharing the tax revenues with States, the Center gives Grant-in-aid to the needy states from its resources. Article 275 of the Indian Constitution empowers the Parliament in this regard. Under article 282, both the Center and States can make grants for any public purpose, and the Center gives discretionary grants to States under this category also for public purposes.

3.5.2 Finance Commission

The Finance Commission is a constitutional body created to suggest centre-state financial relations, mainly recommendations on distributing tax revenues between the Union and the States. Article 280 of India’s Constitution empowers the President of India to appoint Finance Commission to make recommendations on the following: a) the distribution of net proceeds of taxes between the Center and States; b) and, principles that govern the grant-in-aid of the revenues of the States out of the Consolidated Fund of India.

3.5.3 NITI Aayog (National Institution for Transforming India)

The Union Government scrapped the Planning Commission and established National Institution for Transforming India (NITI-Aayog), in its place with a Cabinet resolution in 2014. It aimed to evolve a vision of national development priorities, strategies with the active involvement of States. To promote cooperative federalism through planned support initiatives and mechanisms, by promoting the involvement of States in the economic policy-making process.

3.5.4 Recent Developments - The Goods and Service Tax (GST)

The notion of Goods and Service Tax (GST) is not a recent idea. Former Prime Minister of India, Atal Bihari Vajpayee, introduced the idea of GST and set up a committee in the year 2000 to plan and develop a design for the GST in India. In 2003, the Government of India formed a task force on Fiscal Responsibility and Budget Management. The task force recommended replacing the existing tax scheme by introducing a comprehensive tax on all goods and services replacing Central and State level Value-Added Taxes (VATs). The committee recommended the replacement of all indirect taxes except the customs duty with a uniform tax.

3.5.5 The Constitution (One Hundred and First Amendment) Act 2016

The Constitutional Amendment is required to change the tax structure and introduce GST. Such an amendment can empower the Centre and the States to levy and collect GST. To deal with all these aspects, the Constitution 122nd Amendment Bill introduced in the Lok Sabha in December 2014. The lower house of the Parliament passed the Bill in May 2015. The Bill was passed in the Rajya Sabha with few amendments and by the Lok Sabha in August 2016. The Bill was ratified by the required number of States and received the President’s assent on 8th September 2016 and enacted as the 101st Constitution Amendment Act, 2016.

The Centre and the States’ financial powers are distinguished in the Constitution without overlapping the respective spheres. “The Centre has the powers to levy

a tax on the manufacture of goods (except alcoholic liquor for human consumption, opium, narcotics etc.) while the States have the powers to levy a tax on the sale of goods. In inter-state sales, the Centre has the powers to levy a tax (the Central Sales Tax), but the tax is collected and retained entirely by the originating States. As for services, it is the Centre alone that is empowered to levy Service Tax. The States not empowered to levy any tax on the sale or purchase of goods on importation and exportation from India, the Centre levies and collects this tax in addition to the Basic Customs Duty.” (<http://www.gstcouncil.gov.in/brief-history-gst>, accessed on 15/03/2021).

3.5.6 Composition of GST Council

The 101st Amendment to India’s Constitution inserted Article 279A to empower India’s President to establish the GST Council. Accordingly, the GST Council was established in September 2016. The Goods and Service Tax Council consist of the following members: 1) Union Finance Minister as Chairperson; 2) Union Minister of State, who is in charge of Revenue or Finance will be a Member; 3), and The Minister in charge of Finance or Taxation or any other Minister nominated by each State Government are Members of GST Council. (Article 279A) The council members may be, choose one amongst themselves to be the Vice-Chairperson of the Council for such period as they may decide. The Goods and Services Tax on inter-State trade or commerce supplies shall be levied and collected by the Union Government. Such tax shall be apportioned between the Union and the States in the manner as may be provided by Parliament by law on the GST Council’s recommendations [Article 269A(1)].

The GST Council recommends the GST rate, exemption and thresholds, taxes to be subsumed, and other matters. As per Article 279A (7), one-half of the total number of members of the GST Council form quorum of meetings. The decisions shall be taken by a majority of not less than three-fourths of the members’ weighted votes present and voting. “The weightage of the Central Government vote shall have one-third of the total votes cast, and all the State Governments weightage is two-thirds of the total votes cast, in that meeting.”[Article 279A (9)]. The Center and the States are expected to ensure that the exporting State transfers the credit of State Goods and Service Tax (SGST) used for payment of Integrated Goods and Services Tax (IGST) to the Centre. Likewise, IGST used for payment of SGST would be transferred by the Centre to the importing State. IGST has to be shared between the Centre and states in the ratio of 50:50. The Centre will pay compensation to the states for loss of revenue due to the implementation of GST. On the GST Council’s recommendation, Parliament by law provides compensation for five years to the States for loss of revenue due to implementation of the goods and services tax.

With the introduction of GST, the States lost their taxation rights, except on petroleum, alcohol, and stamp duty. The states’ financial position is under severe strain, resulting delays in payments and sharp capital expenditure cuts. The outbreak of the Covid-19 pandemic aggravated the revenue shortfalls due to the series of lockdowns since the last week of March 2020. The central government had assured total compensation for losses occurs due to the introduction of GST for five years. However, on 30th August 2020, the Union Finance minister expressed Centers’ inability to pay the State’s dues in the wake of the Covid-19 Pandemic and terming it as an “Act of God.” States are critical on non-payment

of GST Compensation, as all the states are engaged in the battle against the pandemic, and it requires enormous funds for facing the Covid-19 pandemic. “GST compensation payments to states have been pending since April 2020... The GST compensation requirement is estimated to be around Rs 3 lakh crore this year, while the cess collection is expected to be around Rs 65,000 crore – an estimated compensation shortfall of Rs 2.35 lakh crore.” (Indian Express, 1st September 2020)

3.6 ATTEMPTS TO REFORM CENTER-STATE RELATIONS- SARKARIA COMMISSION

Some attempts have been made to review and reform the Center-State relations. On 9th June 1983, the Central Government appointed a commission to review the Center-state relations under the Chairmanship of Justice R.S. Sarkaria and with Shri B. Sivaraman and Dr.S.R. Sen as its members. The Commission was known as Sarkaria Commission, named after its chairman. Sarkaria Commission submitted its report in January 1988, and it contains 247 recommendations. The Commission did not favour structural changes and nor did it recommend diluting the central Government’s powers. However, it suggested improvements in the operations aspects. It made several recommendations. Its important recommendation is the establishment of the Inter-State Council under Article 263. Prior consultation was needed with the States by the Centre before enacting a law relating to a Concurrent List subject and minimal use of Article 356. On the Sarkaria Commission’s recommendations, the National Front Government established the Inter-State Council in 1990.

3.6.1 National Commission to Review the working of the Constitution (NCRWC)

On 26th January 2000, the Constitution of India completed fifty years of functioning. The BJP led National Democratic Alliance (NDA) government on 22nd February 2000 appointed a National Commission to Review the Working of the Constitution of India, under the chairmanship of justice M.N Venkatachalaiah, former Chief Justice of the Supreme Court, in light of the experience of the past fifty years, as to how the Constitution can respond to changing needs of the time in the best possible way. Pertinent to mention here, Justice R.S. Sarkaria is one of the members of the NCRWC. The Commission submitted its report on 31st March 2002 made several recommendations on Center-State relations.

3.6.2 Madan Mohan Punchhi Commission

On 27th April 2007, the Government of India constituted a Commission on Centre-State Relations under Justice Madan Mohan Punchhi, former Chief Justice of India, to examine Centre-State relations. The Commission examined and reviewed the legislative, administrative and financial relations, role of Governors, emergency provisions, economic and social planning, Panchayati Raj institutions, sharing of resources, including inter-state river water. The Commission made 273 recommendations in its report presented to Government on 30th March 2010. (<http://interstatecouncil.nic.in/first-administrative-reforms-commission/> accessed on 15/03/2021)

- Note:** i) Use the Space given below for your answer.
- ii) Check your answers with the model answers given at the end of the unit.

1) Discuss the recent developments in Center-State financial relations.

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3.7 LET US SUM UP

After reading this unit, you must be familiar with the various constitutional provisions dealing with the Union and its relations with its federal Units, i.e., India’s states. There are provisions in the Constitutional Scheme to distribute Legislative, Executive, and Financial powers between the Center and States. The Union government has extensive powers to regulate and control the States during emergencies. Therefore, the Indian Constitution has moved away from the traditional federal model and described it as “The Union of States” at the beginning of the Constitution. The Indian federal structure is designed to take care of India’s diversity and heterogeneity under specific historical circumstances. In recent years, with the introduction of Goods and Service Tax, the Center-State financial relations have got transformed as it replaced all indirect taxes except the customs duty. The GST Council is established to recommend the GST rate, exemption, and taxes, and other matters related to the new tax system. Several attempts have been made to reform the Center-State relations appointment of the Sarkaria Commission is a significant landmark in this direction.

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- The Ministry of Home Affairs website: <https://www.mha.gov.in/>
- The Parliament of India website: <https://parliamentofindia.nic.in/>
- The NITI Aayog website: <http://niti.gov.in/>

3.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISE

Check Your Progress 1

The Seventh Schedule of India's Constitution contains the allocation of powers and functions between the Centre and States. It has three lists 1) Union List, 2) State List, and 3) Concurrent List. The Union Parliament has exclusive powers to make legislation on the subjects included in the Union List. The State Legislature has exclusive powers to make legislation on the matters incorporated in the State List. Both the Centre and States can make laws on the subjects included in the concurrent list; however, if both Centre and States make legislation over a particular subject of the Concurrent list and if any contradiction between both laws, only central law will prevail.

Check Your Progress 2

The Constitution of India establishes the strong Centre over States. The Union government exercises control over the States' executive powers in several ways as under the Constitution's various provisions. Article 256 of the Indian Constitution states that every State's executive power is to be exercised in such a manner as to ensure compliance with the laws made by the Union Parliament. Article 257 empowers the Centre to give directions to a State for that purpose. The Centre can proclaim the President's Rule under Article 356 of India's Constitution. The Centre can assign some functions to the State Government with some conditions or unconditionally. The President of India appoints the Governor of a State, and he acts as an agent of Centre. The Centre has ultimate control over the All India Services.

Check Your Exercise 3

The new taxation system, the Goods and Service Tax (GST) is introduced in India. The 122nd Constitutional Amendment Bill was introduced to empower the Centre and the States to levy and collect GST. The Bill was passed in the Parliament and ratified by the required number of States, and got the President's assent and came into force as the 101st Constitution Amendment Act, 2016. The 101st Amendment to India's Constitution establishes the GST Council to recommend the GST rate, exemption and thresholds, taxes to be included, and other matters. The Goods and Service Tax shall be distributed between the Union and the States on the GST Council's recommendations.



Structure

- 4.0 Objectives
- 4.1 Introduction
- 4.2 Framing of India's Constitution and Panchayati Raj
- 4.3 Milestones of Local Governments in India
 - 4.3.1 Community Development Programme (CDP) and National Extension Services (NES.)
 - 4.3.2 Balvant Rai Mehta Committee
 - 4.3.3 Ashok Mehata Committee
 - 4.3.4 G V K Rao Committee
 - 4.3.5 LM Singhvi Committee
- 4.4 The Constitution (Seventy-third Amendment) Act, 1992
 - 4.4.1 Mandatary Provisions
 - 4.4.2 Voluntary Provisions
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4.0 OBJECTIVES

The Constitution of India established democratic governments at the Center, States, and Local Levels. In this unit, you will study the relationship between the state government and institutions of local governance, i.e., constitutional arrangements and the importance of local governments. After reading this unit, you should be able to

- Explain the evolution of local Self-government in India
- Discuss the constitutional structure of Local Self-government in India
- Elaborate upon constitutional provisions for rural and urban local governments in India and the decentralisation pattern in India with reference to the 73rd and 74th Constitutional amendments.

4.1 INTRODUCTION

There are two local governments, in the rural areas (Panchayats) and urban areas (Municipalities) under Indian Constitution. Initially, the Indian Constitution provided a clear division of powers between the Centre and the States. (you have

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already learned about it in detail in unit 3). Later, the 73rd and 74th Constitutional Amendment Acts (1992) set up three-tier local governments. The 73rd Amendment Act of 1992 gave the Panchayats (rural local governments) constitutional status by adding a new Part IX and 11th Schedule to the Constitution. Similarly, the 74th Amendment Act of 1992 gave the constitutional status to municipalities (urban local governments) by adding a new Part IX-A and 12th Schedule to the Constitution. So now the Constitution provides for a three-tier Panchayati raj system in every State:

- 1) Panchayats at the village level,
- 2) Block or Taluk Panchayats at the intermediate level, and
- 3) Zilla Parishad or Panchayats at district levels.

Apart from Rural Local bodies, it also provides three types of urban bodies in every State:

- 1) Nagar Panchayats for a transitional area
- 2) Municipal Council for a smaller urban area
- 3) Municipal Corporation for a larger urban area

Let us discuss the idea and evaluation of local self-governments in India elaborately

4.2 FRAMING OF INDIA'S CONSTITUTION AND PANCHAYATI RAJ

The first session of the Constituent Assembly started on December 9th, 1946, to frame India's Constitution. The task before the Constituent Assembly members was to provide a vision for the economic reconstruction of India. Economic reconstruction implies transforming India's rural economy, agriculture and industry through a scientific and planned development model. It also presupposes that building up an economic system that promotes people's welfare removes inequalities, fulfills basic needs of life, and ensures a good quality of life. Mahatma Gandhi was a firm believer of Gram Swaraj. In this context, Gandhian followers in the Constituent Assembly underlined the significance of the Indian indigenous tradition and decentralised polity based on village Panchayats. He was an uncompromising champion of economic and political decentralisation, i.e., village-based Panchayat system.

Srimannarain Agarwal, a prominent Gandhian, prepared a Gandhian model constitution and submitted it to Constituent Assembly for its consideration. This model suggested a democratically constituted Panchayati be the primary political unit. It suggested that Panchayat's jurisdiction should cover subjects such as law and order, land revenue, co-operatives, village industries, etc. It also suggested that there should be indirectly elected bodies at taluq and district levels Panchayats. These bodies were supposed to perform advisory functions, and the members of district municipalities and Panchayatis could comprise all India Panchayats. Arun Chandra Guha, one of the prominent Gandhian in the constituent assembly, highlighted the main features Gandhian model of a constitution signifying village Panchayats. He said, "we have been taught to think of village Panchayats as a future basis for administrative machinery. The Gandhian and Congress outlook

has been that the future Constitution of India would be a pyramidal structure, and its basis would be the village Panchayats (CAD.vol.VII:256). The blueprint of the Gandhian Constitution, which emphasised the primacy of the village as a unit of economic and political governance, received little response in the constituent assembly. While introducing the draft Constitution, Dr. B.R. Ambedkar said in the assembly, “I hold that these village republics have been the ruination of India. I am therefore surprised that those who condemn provincialism and communalism should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance, narrow-mindedness, and communalism.”(CAD.vol.VII:38). Although the Gandhian model of the decentralised Panchayatis-based constitution did not find wide support in the Constituent Assembly, the Gandhian concept of Panchayati Raj found its way into the Directive Principles principles of State Policy under Article 40 of the Indian Constitution. According to Article 40, “The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.” (Article 40)

4.3 MILESTONES IN LOCAL GOVERNMENTS IN INDIA

In the post-Independence period, the Panchayats have played significant roles in implementing and extending public policies at the local level of governance in Indian. This section of the unit deals with some milestones of local governance in India.

4.3.1 Community Development Programme (CDP) and National Extension Services (NES.)

The Community Development Programme was launched on October 2nd, 1952, to mark Gandhi’s birth anniversary. It was the first programme following Independence, aiming to promote people’s participation in local development activities. Villages became a major focus of attention its first five-year plan, and the plan document stressed that “We believe that the Panchayati will be able to perform its civic functions satisfactorily only if these are associated with an active process of development in which the village Panchayat is itself given an effective part. Unless a village agency can assume responsibility and in- initiative for developing the resources of the village, it will be difficult to make a marked impression on rural life, for only a village organisation representing the community as a whole can provide the necessary leadership.” (First Five Year Plan)

One year after the launch of CDPs in 1952, the government decided to launch the National Extension Service (NES) on October 2nd, 1953. The NES was implemented in the areas not covered by CDP. The main aim of NES was to extend scientific and technical help to the villagers to improve their economic and social conditions. Following the introduction of the NES, t the entire country would benefit from the development policies targeting village society.

4.3.2 Balvant Rai Mehta Committee (1957)

Five years after introducing the Community Development Programme (CDPs), The Planning Commission appointed on 16th Januar1957 a committee known as

Balwant Rai Mehta Committee after the name of its chairman Balwant Rai Mehta to examine the impact of CDPs and NES. The Committee submitted its report on November 24th, 1957, and recommended establishing a three-tier Panchayati Raj system: 1) Gram Panchayat at the village level, 2) Panchayat Samiti at the block or Taluk level; 3) and Zilla Parishad at the district level. The other significant recommendations of the committee were that the government should divest itself completely of specific duties and responsibilities and devolve them to a body that will have the entire charge of all development work within its jurisdiction; the government should reserve with it only the functions relating to guidance, supervision, and higher planning. It also recommended that an efficient self-governing institution be set up with its jurisdiction co-extensive with a development block at the block level. Indirect elections from the Panchayatis should constitute the Panchayati Samiti.

4.3.3 Ashok Mehata Committee (1977)

After the Janata Government came to power, in Center appointed a committee on Panchayati Raj institutions under Ashok Mehta's chairmanship in December 1977 to suggest measures to revive and strengthen the Panchayati Raj system in India. The Committee submitted its report in August 1978 with 132 recommendations to revive and strengthen the Panchayati Raj system. The committee's key recommendations were: the two-tier system should replace the 3-tier system of Panchayati Raj, i.e., Zilla Parishad at the district level, and Mandal Panchayati or Parishad consists of few villages covering a population of 15000 to 20000. A district should be the first point for decentralisation, and Zila Parishad should be the executive body responsible for planning at the district level. The Panchayati Raj institutions should have powers of taxation to mobilise their financial resources.

4.3.4 G V K Rao Committee (1985)

The GVK. Rao Committee was appointed by Planning Commission in 1985 to look into various aspects of Panchayati Raj Institutions (PRIs) and its existing administrative arrangements for poverty alleviation programmes. The Committee's major suggestions were, the PRIs have to be activated and provided with all the necessary support to Panchayati Raj Institutions at the district, Taluk, and Village level should be assigned local planning work, implementation, and monitoring of rural development programmes.

4.3.5 LM Singhvi Committee (1986)

The Rajiv Gandhi government set up L. M Singhvi Committee in 1986 to study the problems faced by Panchayati raj institutions. The Singhvi Committee's significant recommendation was that local self-government should be given constitutional status by incorporating a new chapter in India's Constitution. The Committee also recommended the Non-involvement of political parties in Panchayati elections. However, the idea of giving constitutional status to PRIs gained momentum with the patronage of the Rajiv Gandhi government at the Center.

Check Your Progress 1

- Note:** i) Use the Space given below for your answer.
- ii) Check your answers with the model answers given at the end of the unit.
- 1) What are the significant recommendations of the Balvant Rai Mehta Committee?

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4.4 THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992

The Panchayati Raj system in India was inaugurated by the then Prime Minister Jawaharlal Nehru on 2nd October 1959 at Nagour in Rajasthan. After that, the different states implemented the Panchayati Raj system. However, until the 73rd Constitutional Amendment Act, 1992, The Panchayati Raj Institutions did not acquire viable and responsive institutions due to the lack of Constitutional Status. Apart from that, the absence of regular elections, inadequate representation of weaker sections such as Scheduled Castes, Scheduled Tribes, and women, inadequate devolution of powers, and lack of financial resources are significant limitations of the Panchayati Raj Institutions. In order to remove this limitation, in July 1989, the Rajiv Gandhi Government introduced the 64th Amendment Bill in the lower house of Parliament. However, the bill got defeated in the Rajya Sabha. Later, under the leadership of Viswanath Pratap Singh, the National Front Government introduced the 74th Constitutional Amendment Bill, which could not become an Act because of the dissolution of the Ninth Lok Sabha. However, finally, the PRIs were granted constitutional status on April 24th, 1993, with the passage of the 73rd Constitution Amendment Act, 1992, during the tenure of PV Narasingha Rao as prime minister. Since then, April 24th celebrated as National Panchayat Raj Day. The local government is a state subject in Schedule Seven of the Indian Constitution. Hence, the state governments need to enact at the state level. Rajasthan leads the way in accepting the scheme of democratic decentralisation of a three-tier system of local bodies at the village, block, and district levels. The elections under Rajasthan Panchayati Samitis and Zilla Parishads Act, 1959, were held in September-October 1959. The Panchayati Raj system was inaugurated by the then Prime Minister Jawaharlal Nehru on 2nd October 1959 at Nagour in Rajasthan. After that, the different states implemented the Panchayati Raj system. The 73rd Amendment Act inserted a new Part-IX to the Constitution, and it consists of provisions for Panchayats from Article 243 to 243 O, which define the details and the powers and functions.

4.4.1 Mandatory Provisions

Among the key features of the 73rd Amendment Act are mandatory provisions and voluntary provisions. The mandatory provisions of the Panchayati Raj Act

are those that strengthen the participation of people at the local level. They are, 1) organisation of Gram Sabha, 2) the establishment of Panchayats at intermediate or middle and district levels (Article 243-B), 3) direct elections in all seats in the panchayats at all levels (Article 243-C), 4) indirect elections to the post of Chairperson of panchayats at intermediate and district levels (Article 243C), 5) twenty-one (21) years of minimum age for contesting elections to Panchayats, 6) reservation of seats and chairperson offices for SCs and STs at all levels (Article 243D), 7) reservation of one-third seats and chairperson offices for women (Article 243D), 8) fixed five years tenure for Panchayats at all levels and holding fresh elections in case of dissolution of any panchayat (Article 243E), 9) The amendment Act stipulates that establishing two state-level commissions. These are (1) State Election Commission (Article 243K), an independent body, to supervise and conduct the elections to local bodies.; and (2) State Finance Commission (Article 243-I) to review the Panchayats' financial position and recommend the Governor distribution and determination taxes, duties, tolls, fees between the State and the Panchayats; The grants-in-aid to the Panchayats from the Consolidated Fund of the State.

4.4.2 Voluntary Provisions

The Panchayati Raj Act has some voluntary provisions, 1) Providing representation to the Parliament and State Legislature members in the Panchayats falling within their constituencies. 2) Providing reservations of seats and chairpersons for the Backward Classes in local bodies at all levels. 3) Granting powers to the Gram Sabha, the electorate of a village panchayat with powers and functions at the village level to function as an institution of self-government (Article 243A). 4) Devolution of powers and authority to panchayats for development and social justice dealing with 29 subjects, which are listed in the Eleventh Schedule of the Constitution of India (Article 243G) 5) Granting financial powers to the Panchayats (Article 243H) aimed to increase financial resources by authorising them to levy, collect and appropriate taxes, duties, tolls, and fees.

All States have enacted new Acts or incorporated changes in their existing acts in conformity with the 73rd Amendment Act. As a result, they now have a uniform three-tier structure of local governments. At the village level, the Gram Panchayat covers a village or group of small villages. At the intermediate level of Taluka or Mandal or Block Panchayats (Panchayat Samithi) and the district level, Zilla Panchayat (Zilla Parishad) covers the entire rural area of the district. However, the states with less than 20 lakhs may not constitute the panchayats at the middle-tier or intermediate level.

The provisions of Part IX of the constitution of India relating to Panchayats do not apply to the Fifth Schedule Areas. However, the Parliament has the power to extend the provisions to Scheduled Areas without any constitutional amendment. Accordingly, the Parliament enacted the Provisions of the Panchayats (Extension to the Scheduled Areas) Act of 1996. This Act is otherwise known as PESA Act. The primary purpose of the PESA Act is to extend the provisions of Panchayats to the Scheduled Areas with certain flexibility as per the requirements of the Scheduled areas.

4.5 DEVOLUTION OF POWERS TO RURAL LOCAL BODIES

The Constitution (Seventy-third Amendment) Act, 1992 added the Eleventh Schedule to the Constitution of India with effect from April 24th, 1993. It deals with the provisions that specify the powers, authority, and responsibilities of the Panchayats. It has the following wide range of comprehensive 29 subjects (Article 243G):

- 1) Agriculture, including agricultural extension.
- 2) Land improvement, implementation of land reforms, land consolidation, and soil conservation.
- 3) Minor irrigation, water management, and watershed development.
- 4) Animal husbandry, dairying, and poultry.
- 5) Fisheries.
- 6) Social forestry and farm forestry.
- 7) Minor forest produce.
- 8) Small scale industries, including food processing industries.
- 9) Khadi, village, and cottage industries.
- 10) Rural housing.
- 11) Drinking water.
- 12) Fuel and fodder.
- 13) Roads, culverts, bridges, ferries, waterways, and other means of communication.
- 14) Rural electrification, including distribution of electricity.
- 15) Non-conventional energy sources.
- 16) Poverty alleviation programme.
- 17) Education, including primary and secondary schools.
- 18) Technical training and vocational education.
- 19) Adult and non-formal education.
- 20) Libraries.
- 21) Cultural activities.
- 22) Markets and fairs.
- 23) Health and sanitation, including hospitals, primary health centers, and dispensaries.
- 24) Family welfare.
- 25) Women and child development.
- 26) Social welfare, including the welfare of the handicapped and mentally retarded.
- 27) Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.

29) Maintenance of community assets. (The Eleventh Schedule of the Constitution of India)

Check Your Progress 2

- Note:** i) Use the Space given below for your answer.
- ii) Check your answers with the model answers given at the end of the unit.

1) What is the significance of Gram Sabha in Rural Government?

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4.6 THE 74TH CONSTITUTIONAL AMENDMENT ACT 1992 AND URBAN GOVERNMENTS

The 74th Constitutional Amendment Act aims to give Constitutional status to the urban local governments (municipalities) similar to the rural local governments given by the 73rd Amendment Act. The Constitution 74th Amendment Act 1992 was passed by the Parliament in 1992. .The 74th Amendment Act inserted a new Part-IX-A to the Constitution, and it consists of provisions relating to Municipalities from Article 243-P to 243-ZG. They define the powers and functions of the municipalities. The Act provides a common framework for the structure and mandate of urban local bodies. The government of India notified June 1st, 1993, as the date from which the 74th Amendment Act came into force.

The Act provides three types of municipalities: 1) Nagar Panchayat for a transitional area (The area in transition from rural to urban). 2) Municipal Council for a smaller urban area and 3) Municipal Corporation for a larger urban area. The members of the municipality are elected directly by the people of the municipal area. Moreover, for this purpose, each municipal area is divided into territorial constituencies, known as Wards. In the smaller municipalities, the average population per ward ranges from 1500 to 6000 people. However, in larger cities, the average Ward population may be from 30,000 to 200000 people. The State Legislature has the authority to specify the procedure for the election of the chairpersons of municipalities. The Act provides reservations for SCs, STs, and women at all levels of the municipal bodies. The Lok Sabha Member (MP) and MLAs of State representing constituencies that comprise wholly or partly the municipal area concerned are the voting members in the municipality. The State Legislature is empowered to specify the procedure of election of the chairpersons of municipalities. The term of a municipal body is five years, and the State Election Commission conducts its elections. In case of dissolution of municipality earlier than its tenure, fresh elections must be conducted within six months from its dissolution. However, a municipality reconstituted after premature dissolution does not have a tenure of five years. It remains in office only for the

remainder of the tenure of the previous municipality. There is one exception; it shall not be necessary to hold elections for constituting a new Municipal council if the reminder period is less than six months.

4.7 DEVOLUTION OF POWERS AND FUNCTIONS TO URBAN LOCAL BODIES

The urban local governments are not entirely free from governmental control. The urban local governments work within limits prescribed by the state Municipal Act which creates and governs them. Article 243-W of the Indian Constitution deals with the powers and functions of municipalities and the State legislature. It bestows the municipalities with powers and responsibilities that are necessary for them to function as local government. Powers, authority, and responsibilities of the municipalities are specified in the Twelfth Schedule of the Constitution; the following 18 subject matters fall under the jurisdiction of municipalities with effect from June 1st, 1993.

- 1) Urban planning, including town planning.
- 2) Regulation of land use and construction of buildings.
- 3) Planning for economic and social development.
- 4) Roads and bridges.
- 5) Water supply for domestic, industrial, and commercial purposes.
- 6) Public health, sanitation conservancy, and solid waste management.
- 7) Fire services.
- 8) Urban forestry, protection of the environment, and promotion of ecological aspects.
- 9) Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
- 10) Slum improvement and up-gradation.
- 11) Urban poverty alleviation.
- 12) Provision of urban amenities and facilities such as parks, gardens, playgrounds.
- 13) Promotion of cultural, educational, and aesthetic aspects.
- 14) Burials and burial grounds; cremations, cremation grounds; and electric crematoriums.
- 15) Cattle pounds; prevention of cruelty to animals.
- 16) Vital statistics, including registration of births and deaths.
- 17) Public amenities including street lighting, parking lots, bus stops, and public conveniences.
- 18) Regulation of slaughterhouses and tanneries. (The Twelfth Schedule of the Constitution of India)

- Note:** i) Use the Space given below for your answer.
- ii) Check your answers with the model answers given at the end of the unit.

1) Explain the significance of the 74th Constitutional Amendment Act?

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4.8 DISTRICT PLANNING COMMITTEES

Article 243-ZD mandates the formation of District Planning Committees to consolidate the plans prepared by both rural and urban local bodies. The state legislature makes provisions for the composition of such a committee. Not less than four-fifths of the members must be elected from amongst themselves by the elected members of the District Panchayat and Municipalities in the district. Its primary purpose is to consolidate the plans prepared by Panchayats and municipalities in the district and prepare a draft development plan for the district. It is then forwarded to the state government. Similarly, every metropolitan area shall have a Metropolitan Planning Committee to prepare a draft development plan.

4.9 FUNCTIONING OF LOCAL BODIES

The state government exercises control over the local bodies. The government can review, modify or reject the proposals of the local bodies. The state government can remove the members of the local bodies under certain circumstances through prescribed procedures. The state governments conduct periodic inspections also. The state government executes the no-confidence motions passed by the local bodies and dissolves these bodies in certain circumstances within the Act’s provisions.

The function of the panchayats is to prepare annual plans for the area. The Gram Sabha functions as a deliberative and decision-making body. The Panchayats are also be vested with the power to levy and collect taxes. It passes the annual budget and discusses the major problems of the village. It is also responsible for identifying or selecting persons as beneficiaries for various Central and State poverty alleviation and other programmes. It is an aspect of direct democracy at the lowest level of governance. All social groups, including the marginalised sections, can participate in the decision-making process in the Gram Sabha meetings. The active functioning of the Gram Sabha would ensure a transparent administration and participatory democracy.

However, in the majority of villages, Gram Sabha meetings are reduced to a mere formality. In several villages, the dominant communities do not let the SCs, STs, or OBCs communities elected to the Panchayat perform their duties

independently. In several instances, the husbands or other family members of women panchayat heads act as de-facto leaders and decision-makers in the PRIs.

Though the village panchayat level elections were conducted on a party-less and non-political party symbol basis, the major political parties either field their candidates as apolitical or campaign for independent candidates. Political parties and their leaders consider winning these local bodies crucial in MP and MLA general elections. The parties use candidates who win local body elections with their support to consolidate their vote banks. The ordinary people depend on these local leaders to benefit from the welfare schemes of the Centre and State. The party that controls the local bodies identify the people who support them and accommodate them while identifying beneficiaries for various welfare and development schemes. The state governments use the populist welfare schemes, and freebies like cheap rice and wheat, free colour TVs, mixer grinders, Dothi and sarees, subsidised housing, free education, fee reimbursement, scholarships, and free electricity for farmers, etc. are designed and delivered through the local bodies and local leaders such as Sarpanch, Taluk/Block Parishad, Zilla Parishad members, MPs and MLAs for electoral gains. Apart from that, the local leaders who hold some position or office of local bodies with solid connections with people at grassroots levels use their positions to get tickets to contest state assembly or Lok Sabha elections.

The local bodies do not have sufficient funds for spending on programmes and schemes. The Panchayats are mainly dependent on grants from State and Union governments. A significant portion of grants received from the State and Union governments are scheme-specific. The local revenue collection is very meager and negligible. Even the state governments are lost their majority revenue resources and depending on the Union government to get their share of revenue after the introduction of Goods and Service Tax (GST). State governments cannot devolve funds to local bodies because of the tight fiscal position. This financial dependence and grossly inadequate resources considerably compressed the local bodies to function as units of self-government.

4.10 LET US SUM UP

The enactment of The Constitution (73rd Amendment) Acts, 1992, and The Constitution (74th Amendment) Acts, 1992 generally known as the Panchayati Raj Act, and the Nagarpalika Act, respectively, are landmarks in the development of local self-government in India. The amendments bestowed constitutional status to the rural and urban local governments for providing mandatory regular elections as per schedules and time. The amendments provided reservations for the SCs, the STs, the OBCs, and women at all levels in local bodies. The provisions of these acts are the impetus for promoting greater community participation in different marginalised sections of society in achieving developmental goals in the true spirit of local self-government. These Amendments provided constitutional status to the institutions of local rural and urban governance. However, the powers, functions, financial strength, and autonomy of the local government institutions largely depend on the state governments. The local bodies do not have sufficient funds for spending on programmes and schemes depending on State and Central governments. The financial dependence of the local bodies is the major hindrance to the functioning of self-government. Nevertheless, the local governments continue to play a significant role in implementing various

development and welfare schemes of Central and State governments. Thus, the local governments have contributed towards strengthening participatory democracy at the grass-root level.

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4.12 ANSWERS TO CHECK YOUR PROGRESS

Check Your Progress 1

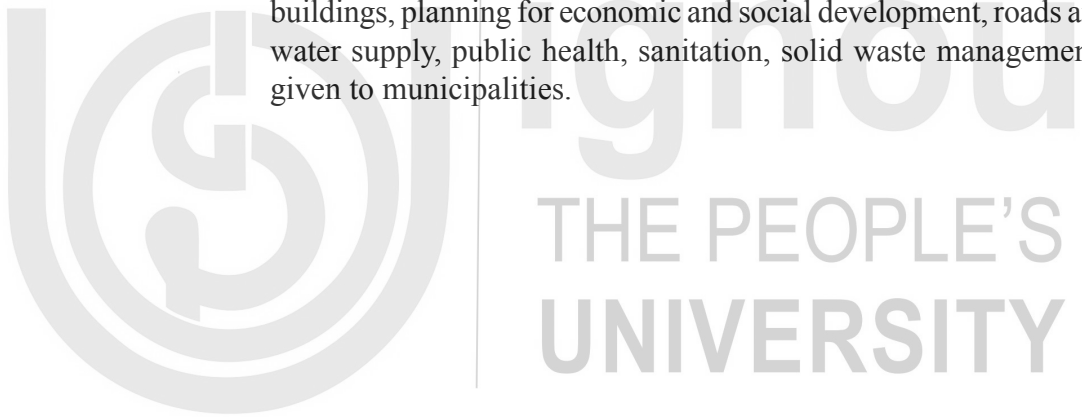
- 1) The Planning Commission appointed a committee under the chairmanship of Balwant Rai Mehta to examine the impact of Community Development Programmes and National Extension Services in the year 1957. The Committee submitted its report recommending a three-tier Panchayati Raj system at the village level: 1) Gram Panchayat, 2) Panchayat Samiti at the block or Taluk level, and 3) Zilla Parishad at the district level.

Check Your Progress 2

- 1) The Gram Sabha functions as a deliberative and decision-making body, and it consists of all registered voters in the village. It passes the annual budget and discusses the major problems of the village. In addition, gram Sabha exercises such powers and performs such functions at the village level as the State Legislature. It is also responsible for identifying and selecting beneficiaries for various Central and State poverty alleviation and other programmes. In addition, gram Panchayat must obtain certification of the utilisation of funds from Gram sabha.

Check Your Progress 3

- 1) The 74th Constitutional Amendment Act mandated the setting up and devolution of powers to Urban local bodies, known as municipalities, as the lowest unit of governance in cities and towns. The Act gives constitutional status to urban governments. States governments are mandated to devolve adequate powers, responsibilities, and finances for preparing plans and implement schemes to provide basic amenities in urban areas. Article 243-W of the Indian Constitution deals with the powers and functions of the municipalities and the State legislature. As per the Twelfth Schedule of the Constitution, eighteen subjects such as Urban planning, construction of buildings, planning for economic and social development, roads and bridges, water supply, public health, sanitation, solid waste management, etc., are given to municipalities.



UNIT 5 STATE AUTONOMY*

Structure

- 5.0 Objectives
- 5.1 Introduction
- 5.2 Autonomy in Indian Federalism
- 5.3 Demand for Autonomy in the Indian States
 - 5.3.1 Dravida Munnetra Kazhagam (DMK)- Rajamannar Committee
 - 5.3.2 Akalidal - Anandpur sahib Resolution
 - 5.3.3 West Bengal Memorandum
 - 5.3.4 Telugu Desam Party –Vijayawada Conclave
 - 5.3.5 National Conference- Srinagar Conference
 - 5.3.6 Naga National Council (NNC) and Mizo National Front (MNF)
- 5.4 Centre-State Financial Relations- Autonomy
- 5.5 Demand for Political autonomy
- 5.6 Plural Societies and Autonomy question
- 5.7 Ethnicity and Autonomy Question
- 5.8 Language and Autonomy
- 5.9 Let Us Sum Up
- 5.10 References
- 5.11 Answers to Check Your Progress Exercises

5.0 OBJECTIVES

This unit deals with the concept and issues of state autonomy in a federal political setup and seeks to explain the response of the Indian State to the issue of state autonomy. After reading this unit, you will be able to:

- Explain the conception and basis for autonomy demands;
- Discuss the main features of politics relating to State autonomy;
- Explain autonomy demands from regional political parties,
- Analyse the relationship between ethnicity, language and the question of state autonomy.

5.1 INTRODUCTION

The relations between different levels of governing units – Centre and, States is known as the division of powers. Such arrangement is different from the relations among three organs of the nation-state – executive, judiciary and legislature, which is known as separation of powers. In the Constitution of India, the division of powers between the Centre and States is defined in the three Lists – the Union List, State List, and Concurrent List. You have read about these lists in unit 3. As you have read in Unit 3, the states have the power to legislate on the items mentioned in the State List. The constitutional scheme of division of power between the Centre and States provides certain autonomy to the federal units.

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Federalism

State autonomy means the authority and power of a state as a member of the Union of India to decide and execute independently certain functions as outlined by the Constitution. It implies that there is non-interference from the central government in the day-to-day affairs of the states. All the major decisions are taken according to powers conferred to the States in the Seventh Schedule of India.

5.2 AUTONOMY IN INDIAN FEDERALISM

Uneven and imbalanced development of different states and sub-regions within a state is a fundamental problem in Indian federalism. The unevenness in the levels of development has often generated a consciousness in the states, especially those less developed. They believe that their region remains backwards due to the discrimination by the Centre. In several instances, political leaders, activists and civil society organisations in these states suggest their State or region can develop if they are given autonomy to govern themselves. The rise of demand for autonomy is seen as an attempt to gain control over the resources and development process. In order to get autonomy, some of these states demand special status. The special category status means providing certain disadvantaged states with preferential treatment in central assistance and tax exemptions. It also includes establishing special development authority/boards to that region, reservation to the locals in jobs, establishing more educational institutions, health infrastructure like hospitals, medical colleges, incentives to industries etc. In a broader sense, autonomy demands are also associated with civil rights, democratic liberties movements, democratic upsurge, and devolution of power.

An additional tool at the disposal of the federal country to accommodate autonomy-deprived demographics is the tool of Panchayati Raj Institutions. With the enactment of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), exclusion prevalent in scheduled areas could be alleviated by enabling grass-roots democracy in the scheduled areas. However, the political process of the country, run by party system and coalition politics, seems to overlook the importance of power devolution to the lowest level as a means of satisfying autonomy demands; rather, states remain the main actors in the discussion of autonomy. Due to the importance of states as the main unit enjoying autonomy, we see demands for state formation as the main agenda in many autonomy movements.

Check Your Progress 1

- Note:** i) Use the Space given below for your answer.
- ii) Check your answers with the model answers given at the end of the unit.

1) What is the meaning of State autonomy?

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5.3 DEMAND FOR AUTONOMY IN THE INDIAN STATES

Before the Fourth General Elections in 1967, the Centre-State relations were harmonious with the dominance of the Congress party as a ruling party both at the Centre and in the States. These General elections were a turning point in the Indian political process and especially in federal relations. The Congress party lost the elections in nine states, and the Congress party's majority in Lok Sabha was also considerably reduced. This development gave a stimulus to the autonomy demands with regional parties coming to power in different states. The regional parties felt that the existing constitutional federal scheme neither respected the feelings of the states nor appreciated the needs and problems of states. Hence, the maximum autonomy of the states is demanded for the growth and development of states. From the 1970s to the 1990s, the Centre became somewhat restrained by regional partners in coalition politics. The quest for state autonomy remains an enduring issue in Indian federalism. The sub-sections below deal with some examples which have been made by regional political parties in India.

5.3.1 Dravida Munnetra Kazhagam (DMK)- Rajamannar Committee

The regional parties raised the issue of autonomy and demanded more powers and fiscal resources. The DMK party in Tamilnadu, combining the Tamil linguistic and cultural nationalism, built a strong movement for autonomy. In the early 1960s, DMK campaigned for a separate independent sovereign state of Tamilnadu. Later the demand was extended to propose a separate Dravidnad with Tamilnadu, Andhra, Kerala and Karnataka. It was seen as a severe threat to the nation's integrity by the Center. With the increasing separatist tendencies in the country during the 1960s, the union government initiated the 16th Constitutional Amendment for curbing separatist tendencies. The Bill, which became Act, was also known as the Anti-secession Bill to prevent separatist and secessionist tendencies and preserve India's sovereignty and territorial integrity. In consequence of the amendment, the DMK also gradually softened its stand and dropped the demand for sovereign Dravidanad. However, time and again, DMK demanded greater autonomy of states.

In the year 1969, the government of Tamilnadu, led by the DMK party, appointed a three member committee under the chairmanship of P.V. Rajamannar to study Center-state relations and suggest constitutional amendments to secure greater autonomy to the states. The other members of the committee were Lakshmanaswamy Mudaliar and P. Chandra Reddy. The Rajamannar Committee made some recommendations such as removing Article 356, dissolution of the Planning Commission (At present modified as NITI Aayog) and making Finance Commission a permanent body, transferring some subjects to the State list from the Union and Concurrent list, and appointing high power committee for redistribution of the subjects in the three lists.

5.3.2 Akali Dal -Anandpur Sahib Resolution

Shiromani Akali Dal, known as Akali Dal, is a regional party in Punjab with a strong base among the Sikhs in Punjab. Master Tara Singh, a Sikh political and

religious leader, was instrumental in organising the Shiromani Gurdwara Prabhandak Committee. Under the leadership of Tara Singh, Akali Dal demanded a sovereign state for Sikhs till the early 1960s. Under the Leadership of Sant Fateh Singh, several movements took place for Panjab Suba, a separate State for Panjabi speakers in India. He started a fast-unto-death for the demand of Panjab Suba. The Central Government accepted the demand for Panjab Suba. However, this did not satisfy all the Sikhs; the Shiromani Akali Dal passed a resolution for greater autonomy to states in the Batala conference in 1968. Again, in year October 1973, Akali Dal adopted a resolution containing both religious and political demands at a meeting held at Anandpur Sahib, popularly known as the Anandpur Sahib resolution. The Anandpur Sahib resolution demanded that the Center's powers be restricted only to defence, foreign affairs, communications, currency etc., and entire other powers should be vested in the states. Akali Dal leader Gurnam Singh moved this resolution, and when he became the Chief Minister of Panjab, he invited DMK Leader Karunanidhi to Ludhiana to discuss autonomy to states. This duo is considered to lead the way in seeking greater autonomy for states.

5.3.3 West Bengal Memorandum

The Left Front Government in West Bengal had adopted a memorandum in 1977 seeking a rearrangement of Centre-State relations and submitted it to the Centre for consideration. The memorandum pointed out how the Center had made encroachments into powers of States, and the autonomy of States was gradually eroded. The West Bengal Memorandum stated that article 356 of the Constitution is the anti-federal instrument for undermining the federal system and the autonomy of States. Therefore, articles 356 and 357, which gives President the power to dissolve a State government or its Legislative assembly, should be deleted. Therefore, Constitution should be amended to include the word 'Federal' in the description of the Republic of India. Likewise, the word Union in the Constitution should be replaced by the word Federal.

5.3.4 Telugu Desam Party (TDP) –Vijayawada Conclave

The dominance of the Congress Party in the political history of Andhra Pradesh continued uninterrupted for three decades till it was upset by the Telugu Desam Party (TDP) in the 1983 elections. The TDP succeeded in ending the Congress hegemony in Andhra Pradesh within a short time. The Telugu Desam Party was founded 29 March 1982 by N.T. Rama Rao, a famous film star. He played the roles of Hindu mythological characters such as Lord Srirama, Krishna, Karna, etc. and as a moral figure who championed the cause of the weaker sections of society. The TDP has stressed the need for greater financial decentralisation and State autonomy by transferring more powers to States. It also demanded the abolition of the post of Governor. The TDP leader N.T. Rama Rao hosted opposition parties meeting at Vijayawada in May 1983. After the meeting, opposition leaders issued a joint statement endorsing the call made during the conclave of southern chief ministers in Bangalore organised by Ramakrishna Hegde to review Union-State relations.

5.3.5 National Conference- Srinagar Conference

In October 1983, around fifty leaders from seventeen political parties met in Srinagar Conclave hosted by Farooq Abdullah, the then Chief Minister of Jammu

and Kashmir state (which was converted into two Union Territories – Jammu and Kashmir and Ladakh, on 5th August 2019). The Srinagar Conclave brought together parties like the DMK, TDP, Akali Dal, the Republican Party of India, the Assam Jatiyabadi Dal and National Conference, and the Left Parties. All the parties present were united by the cause of federalism and more autonomy to the States.

5.3.6 Naga National Council (NNC) And Mizo National Front (MNF)

During the 1950s and early 1960s the Nagas and Mizos demanding autonomy for their regions. Naga National Council (NNC) strongly advocated unlimited autonomy for Naga Hills. Under the leadership of A.Z. Phizo, it demanded complete independence stating that Nagas always had distinct from the rest of India ethnically and culturally. Mizo National Front (MNF), like NNC, demanded the creation of an independent state of Mizoram under the leadership of Laldenga. For this purpose, MNF recruited young people and trained them in military operations.

5.4 CENTRE-STATE FINANCIAL RELATIONS-AUTONOMY

Lawrence Saez (2002) has remarked that the Constituent Assembly was inspired to favour a Unitary state for India due to the partition of India in 1947. It led to a more centrist tendency in the independent State, although it was federal in structure. A more significant role was assigned to the central government in the federal system. The Union list contains the most subjects in terms of jurisdiction and financial aspects, and the union Parliament also enjoys residuary powers. It strengthens the centripetal forces while weakening centrifugal forces. It has inevitable economic consequences, leading to the dependence of states on the Union government. Ronald L. Watts (1996) has explained that territorial social diversity and a great tendency of fragmentation exist simultaneously in India. Therefore, it is reasonable to maintain a strong federal government with authority to overturn secession attempts. The Union list has more powers and subjects related to financial matters than the states. As outlined in the State List and Concurrent list, states have insufficient financial resources compared with the Centre. It is also because residuary powers lie with the Centre. Consequently, the states are short of revenue resources and largely dependent on the Centre to implement specific public policies. The party ruling at the Centre can garner popularity at the state level by using its public policy, effectively utilising more financial resources, influencing voters, and determining the executive actions at the state level. It becomes a matter of contention between State and Centre, leads to demands of autonomy. Many committees and commissions have been constituted to resolve issues of state autonomy and strained areas of center-state relations. In Unit-3, you have already studied the Center-State relations, issues, and attempts to reform Center-State relations.

5.5 DEMAND FOR POLITICAL AUTONOMY

The politics of regions and the emergence of regional parties as a reaction to the hegemony of the Congress party have shaped autonomy demands in India after

independence. The relative differences of cultural, economic, social and political circumstances in regions cause differential power relations with each other and the Center. The emergence of working-class politics, the rise of socially marginalised groups in mainstream politics, peasant political class have led to various demands for political autonomy of states and regions.

A significant question in autonomy demands is environmental governance and control over natural resources. These movements can also coincide with demands of ethnic groups such as tribes, hill-dwelling communities, and different communities to have certain autonomy over village administration and customary practices. These demands have been accommodated through instruments of asymmetrical federalism by creating new states and unique acts such as Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA). You read about PESA in Unit-4. With the growth of liberal economy and capitalism, there is also a concern over the control of land and forest as a resource. These concerns are: first, states often find their autonomy eroded by giant corporations that support political elites. It also leads to a response at the state level involving greater demand for autonomy to conduct business and development-related activities. Secondly, with the onset of the capitalist economy, the dominance of traditional elites, such as landlords and local ruling groups, gets challenged by market forces to demand regional autonomy. During 1967-79, the emergence of political parties such as Akalis in Punjab, the Dravida Munnetra Kazhagam (DMK) in Tamil Nadu, the Bharatiya Kranti Dal (BKD) in Uttar Pradesh, Kulaks in U.P, Punjab, and Haryana, as well as a significant component of the Dravidian movement are examples of regional autonomy movements.

A significant factor responsible for the demand for autonomy, leading to the demand of separate states, has been the historical disparity in the development of regions and states. Some backward states are known as “*bimarustates*” (BIMARU), refer to the poor economic conditions within those states from the first letters of Bihar, Madhya Pradesh Rajasthan, and Uttar Pradesh. These areas are principal contributors of raw materials for the country’s industrial growth. Such states have often used the argument of “resource curse”. The “resource curse” means a contradictory situation where a region underperforms economically, despite rich natural resources. This argument is used to advocate fair treatment to the less developed states within the federal arrangement.

The expansion of the market economy based on technical advancement has led to the marginalisation of backward regions. Moreover, due to the weak governance in “*bimarurajya*” interest of raw material producing areas remains unprotected against the interests of private corporates. Therefore the demand for autonomy to institute local control over governance is often observed. For instance, the formation of the Jharkhand Area Autonomous Council (JAAC) was granted in 1995 by the then Bihar government. However, The Jharkhand region of Bihar remained dissatisfied with the state government not sufficiently representing the interests of the region. Over the years, many commissions have been constituted to look into regions’ demand for autonomy and create new state.

5.6 PLURAL SOCIETIES AND AUTONOMY QUESTION

Due to cultural and linguistic diversity in larger states, many organised groups emerged, having claims and counter-claims for effective administration through accommodation of interests. The administrative challenge in front of the Union government in dealing with these claims is to institute the most effective ways to manage such accommodative arrangements. One of the arrangements that have been followed in India to accommodate the politics of various cultural groups in the federal arrangement is by making linguistic policies and state reorganisation. It is mainly used effectively for groups concentrated in a particular geographical location by giving provincial autonomy within a territory. However, granting autonomy is not completely effective in dealing with demands of cultural recognition because territories are rarely culturally homogenous. Usually, there are always smaller diverse groups residing in the area, especially in transition areas between countries and states not separated by natural frontiers. When the cultural construction of an identity group does not coincide with the political boundaries, it leads to political unrest.

To accommodate its population's cultural and ethnic aspirations, the state resorts to readjusting the boundaries of states/provinces following the regional cultural constructions of the people and devolving some autonomy to an authority instituted over that province. In an independent and democratic country such as India, it is not possible for the central government or Parliament to ignore the regional aspirations due to institutional as well as electoral factors since the legitimacy of a government in a democratic state depends significantly on the government's ability to respond appropriately towards aspirations of people. The broadening of democracy and the democratic upsurge of classes for recognition as political entities has historically remained in mainstream politics. These groups are granted autonomy as an essential component of having a say in the policymaking and political process.

Check Your Progress 2

Note: i) Use the Space given below for your answer.

ii) Check your answers with the model answers given at the end of the unit.

1) What are the main features of state autonomy politics in India?

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5.7 ETHNICITY AND AUTONOMY QUESTION

Tribal groups in India are among significant ethnic groups sharing common characteristics – culture, customs, language, regions, economic interests, etc. The roots of the autonomy question among tribal regions go back to the pre-independence history of India. The regions identified as Backward Tracts under

British administration were further categorised as “Excluded” and “Partially Excluded” areas under the Government of India Act, 1935 and had been historically under the control of British administration governed by Governors, while the “Tribal Areas” were outside British India and enjoyed high levels of autonomy. All these regions were areas where tribal populations inhabited but were having different levels of autonomy. Post-independence, the autonomy of these regions has become an issue of great deliberation within the asymmetrical federal model. The demand for a separate Jharkhand state was first raised in 1929 in the Chhotanagpur plateau, populated by diverse tribal communities. The movement continued until the year 2000, when Chhatisgarh and Jharkhand were created. The Schedule VI of the Indian Constitution lays down provisions concerning the autonomy of tribal areas in the North-Eastern States. Nevertheless, there are constant conflicts due to competition between ethnic groups regarding the demand for autonomy.

5.8 LANGUAGE AND AUTONOMY

The debate for organising states based on language was raised in the Constituent Assembly. However, due to the bitter experience of India’s partition on a religious basis the, linguistic basis of state reorganisation was perceived as a potential threat to the unity and integrity of the nation. However, the demand for the reorganisation of state boundaries on a linguistic basis was raised in some areas. The demand for linguistic states was based on the long-standing interaction between Congress leaders and regional political leaders. The regional leaders believed that linguistic states would be given to them once India became independent. As a result, the demand for a Telugu state arose, and Andhra Pradesh was created on 1st October, 1953 following the fast unto death by Potti Srimamulu. Based on a similar understanding of regional leaders, many other linguistic provincial states’ demands arose, and States Reorganisation Commission (SRC) was instituted in 1953 to look into the matter. Based on recommendations of the Commission (1955) to organise states on a linguistic basis in Southern India, the State Reorganisation Act 1956 was passed by Parliament.

In the post-independence years, the levels of autonomy to its constituent states have been unequal. The Constitution of 1950 granted the highest level of autonomy to Part A and Part B states while, Part C and Part D states had significantly less autonomy or none at all. The States Reorganisation Commission (SRC) was formed in 1953 to look into various demands for new states. Based on the States Reorganisation Commission (1955) recommendations to organise states on a linguistic basis in Southern India, the State Reorganisation Act 1956 was passed by Parliament. It also replaced the A, B, C, and D type states with only States and Union Territories.

With the creation of provincial States and Union Territories (UTs) another system of differential autonomy came into existence wherein the States were vested with more autonomy than the UTs. Creating Union Territories became an effective device in the North-Eastern region to resolve demands of autonomy. In the 1960s, Punjab, Maharashtra and Gujarat were created, while Himachal Pradesh was upgraded to a state. The creation of these states clearly demonstrates the accommodation politics that followed autonomy demands inspired by linguistic and religious sentiments. Some unfulfilled demands of autonomy can be seen in the form of Gorkhaland, Vidharbha, Harit Pradesh etc. Some autonomy

movements saw fulfilment by the creation of the new states in 2000 Jharkhand, Uttarakhand, and Chhattisgarh. The creation of Uttarakhand can be seen as a culmination of the prolonged demand of the hill region of Uttar Pradesh.

Language can become a tool of dominance if the political system is overwhelmed by a particular linguistic group. Being an integral part of culture may lead to a perceived loss of control by other linguistic groups. It leads to a demand for recognition and a desire for autonomy in a linguistic region. It has also been true in the North-Eastern states, and various social, geopolitical, and historical factors influence such demand. Autonomy movements in the hills of North East led to the formation of seven states gradually. Nagaland became a state in 1963, Meghalaya became a state in 1972. Manipur and Tripura also became states, while Arunachal Pradesh and Mizoram were first created as Union Territories and later upgraded to states in 1986. These states have a diverse schedule tribe population, and the autonomous district councils are vested with autonomy concerning specific customary laws.

Check Your Progress 3

Note: i) Use the Space given below for your answer.

ii) Check your answers with the model answers given at the end of the unit.

1) What is the role of language in state autonomy?

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5.9 LET US SUM UP

The discussion on state autonomy in India began in the pre-independence period when the British reorganised political units to ensure control over the region. The bitter experience of partition made constitution framers suspicious of centrifugal forces. The manipulative divisionist policies of British rule made local communities suspicious of over-centralisation. This antagonism has been at the core of autonomy-related issues in state politics. Further, the hegemony of Congress for two decades after independence suppressed many regional aspirations and strained the state-center relationship. Attempts for unification by ignoring regional aspirations and identity issues led to autonomy demands. To deal with autonomy demands the Center used various methods such as granting autonomy through state reorganisation, new state formation, linguistic provincial states creation, autonomous local bodies, Union Territories.

Nevertheless, demands for state autonomy are ongoing in different parts of India. The main reasons are the financially impoverished states, centrally planned development, growth of the capitalist and industrialised market economy, linguistic sentiments, disparity of development among the regions, ethnicity, and the dominance of Centre. Innovative practices such as local PRIs self-governance

in Scheduled areas have not been very effective because states continue to be the main actors in the national politics, while autonomy through local self-governance remains in rhetoric only. With the emergence of new political elites and regional parties, autonomy politics has become a prominent phenomenon in state politics. Several regional parties constantly demand a relook into Centre-state relations for greater autonomy to states.

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5.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Autonomy means the authority and power to decide and carry out certain functions independently without any control by a higher authority. It means non-interference from the Central Government in the day-to-day affairs of States. It also implies having control over financial resources. In a broader sense, autonomy is also associated with rights, democratic liberties, and devolution of powers to the States.

Check Your Progress 2

- 1) One of the main features of demands for autonomy is Centre-State financial relations. It is the fight for control over revenue resources. Because of the

imbalanced financial division of powers between the Centre and states, the states become resource-starved and dependent on the Centre. Apart from financial resources, state autonomy movements have also political dimensions—the emergence of regional parties as a reaction to the hegemony of the Centre. The process of centralisation of political power leads to the demands for State autonomy.

Check Your Progress 3

- 1) The Indian society is highly diverse and pluralistic, with various cultural, ethnic and linguistic communities with distinctive cultures and dialects. This diversity makes them assert their identity as a separate entity. Language becomes a tool of dominance when a particular linguistic group weighs down the political system. It leads to a demand for autonomy in a linguistic region. For example, the demand for a separate state for Telugu speaking people crop up in Telugu speaking Andhra region and against the Tamil dominance; as a result, a linguistic provincial State was created. Many other linguistic states demands came up based on a similar line. The States Reorganisation Commission (SRC) was formed in 1953 to look into the matter.



UNIT 6 SUB-REGIONAL AUTONOMY AND GOVERNANCE*

Structure

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Sub-Regional Autonomy: Issues and Challenges
- 6.3 Sub-Regional Autonomy and New Statehood movements
 - 6.3.1 Formation of Jharkhand, Chhattisgarh and Uttarakhand States (2000)
 - 6.3.2 Andhra Pradesh and Telangana State
 - 6.3.3 Assam
- 6.4 The Question of Governance
- 6.5 Let Us Sum Up
- 6.6 References
- 6.7 Answers to Check Your Progress

6.0 OBJECTIVES

This unit aims to explain the latest dynamics and trends in sub-regional autonomy movements in contemporary Indian democracy. It will be analysing the Indian federal responses towards sub-regional autonomy problems. After reading this unit, you will be able to:

- Discuss the factors responsible for sub-regional autonomy movements;
- Examine the correlation between federal governance and sub-regional autonomy movements; and,
- Explain various patterns of collective mobilisation for sub-regional autonomy movements.

6.1 INTRODUCTION

The notion of sub-regional autonomy has attained much significance in the contemporary discourse in Political Science. Sub-regional autonomy movements are about getting autonomy within the constitutional framework to the people, which is part or sub-region of a relatively larger region. Sub-regional autonomy movements are based on ethnicity, identity politics, religion, caste, region, social factors, economic factors, and historical experiences. The number of these factors is not fixed. They can vary from case to case. Demands in autonomy movements also vary. In some instances, the demands are confined to rearrange relations between the sub-region and the larger region. In some instances, the demand for regional autonomy may aim for statehood to be carved out of one state or more than states. From the 1950s onwards, there have been demands for sub-regional autonomy in different regions of the country. While in some cases, the demands have resulted in the creation of new states out of the one or more than one states in the Union of India, in the other cases in the creation of regional or territorial

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councils. And in some cases, they have not been able to achieve their goals. In 2000, Chhattisgarh, Jharkhand and Uttarakhand were created out of Madhya Pradesh, Bihar, and Uttar Pradesh respectively. In 2014, the state of Telangana was carved out of the state of Andhra Pradesh. People of the Ladakh region demanded a Union Territory when this region was part of the Jammu and Kashmir while it was a state. On 5 August, 2019, the government of India created two Union Territories – Jammu and Kashmir and Ladakh out of the state of Jammu and Kashmir after abolishing its status as a state. In Maharashtra, the people of Vidharbha, Bodo-inhabited areas in Assam, and hill regions of West Bengal, in Coorg district of Kodagu region of Karnataka, etc., have been demanding sub-regional autonomy from their respective States. In section 6.4 of this unit, you will read about some examples of movements for regional autonomy in India.

6.2 SUB-REGIONAL AUTONOMY: ISSUES AND CHALLENGES

There are several books and academic articles on different types of sub-regional movements in India. Based on this literature, we can identify issues and challenges relating to the sub-regional movements. While most of such movements have emerged in relatively more backward areas, some have also emerged in developed areas. The people in the regions which witness such movements have several grievances – economic, political, social and cultural, etc. Moreover, they understand that their grievances can be addressed if they get autonomy in terms of rearrangements of relations within the existing administrative unit or by getting a new state carved out of one or more than one states. It is important to note that in several cases, the grievances are not based on reality. In such cases, they are based on perceptions. However, the politicisation of such issues can become an effective way of popular mobilisation for sub-regional autonomy. The reasons for such grievances have been discussed in the literature on the sub-regional autonomy movements:

- 1) **Economic reasons** – the people residing in the areas which witness the sub-regional autonomy movement complain that their region has been exploited in an economic sense due to the policies of the state government, which has jurisdiction over such reasons or by the central government; the natural resources of their regions are exploited by the groups belonging to other regions than theirs; in some cases, it is alleged that their regions have become “internal colonies”; they also alleged that they face discrimination in getting employment in their regions because the jobs are given to the people who do not belong to their regions. It is also argued that the lack of economic opportunities in their regions forces people to migrate to other regions. It leads to multiple problems, including their humiliation in the regions to which they migrate. Not only the backward regions complaints of economic discrimination but some developed regions have such grievances. They complain that their resources are used to help the backward regions, but they are not compensated in proportion to their resources.
- 2) **Political reasons:** the supporters of sub-regional autonomy movements argue that people of their region do not get adequate representation in important political positions such as ministers, chief ministers, etc. This deprives the people of their regions an opportunity to represent the interests of their regions in the policy-making process.

- Federalism
- 3) **Social and cultural reasons:** the people in the sub-regions demanding autonomy allege that their social and cultural identities are not given due recognition in fields of art and culture such as cinema, theatre, etc. Their projection in art and cultural media is not respectable.
 - 4) **Administrative challenges:** It is argued that all sub-regions, especially in the bigger states, do not get adequate attention from the executive authorities such as chief ministers, leaders or the administrative authorities to coordinate the problems of different regions. The bigger size of the states in which they are located makes it unwieldy to govern all the regions equitably. Consequently, the regions located at a long distance from the state capital suffer.

These principal challenges and issues have a cumulative impact on mobilisation for regional autonomy. However, some points are noteworthy regarding their impact on mobilisation. These are: the relative impact of these issues varies from case to case; these issues can be helpful in mobilisation only when there is a realisation among the people in a region about their grievances, and when there are agencies such as leaders, students, intellectuals or civil society organisations to mobilise people. Besides, generally sub-regional movements occur in some social or political context.

Check Your Progress 1

- Note:** i) Use the Space given below for your answer.
ii) Check your answers with the model answers given at the end of the unit.

1) What are the factors responsible for the aspirations of the sub-regional autonomy movements in India?

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2) Explain the correlation between federalism and sub-regional autonomy movements?

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6.3 SUB-REGIONAL AUTONOMY AND NEW STATEHOOD DEMANDS

As you have read in sub-section 6.3 of this unit, there are various social, economic, political, and administrative reasons that impact sub-regional autonomy. From the 1950s onwards, the question of regional autonomy has been an important issue in Indian federalism. This led to the creation of new states or regional or territorial autonomous councils in different parts of the country. In the 1950s-1960s, states were created based on language; between the 1960s and 1980s, states were formed out of Assam; in 2000, three states (Chhattisgarh, Jharkhand and Uttarakhand) were created in predominantly Hindi-speaking region (Tillin 2013). Again, as mentioned earlier, in 2014, the state of Telangana was formed out of the state of Andhra Pradesh. The demands for the fulfilment of regional aspirations continue to be raised in different regions of the country. This section of the unit deals with some examples of sub-regional autonomy movements in India. In these examples, you will read about some broad features of these movements. There is sufficient literature dealing with sub-regional autonomy relating to the formation of new states and regional or territorial autonomy in India. A representative sample of literature dealing with the question of regional autonomy is available in several chapters of two books: *Rethinking State Politics in India: Regions within Regions*, edited by Ashutosh Kumar, Routledge, London and New York (2011), and *Interrogating Reorganisation of States: Culture, Identity and Culture*, Routledge (2011). Even as demands for sub-regional autonomy have been raised in most states of India, in some cases, these have culminated in the formation of new states or the creation of devices such as regional or territorial councils.

6.3.1 Formation of Jharkhand, Chhattisgarh and Uttarakhand States (2000)

The formation of three states in 2000 - Jharkhand, Chhattisgarh and Uttarakhand is the first example of this century about the reorganisation of states. Jharkhand, Chhattisgarh and Uttarakhand were carved out of Bihar, Madhya Pradesh and Uttar Pradesh, respectively. The creation of these states was considered a step towards fulfilling the demands of the regions that constituted these states. These cases shared some common features. They also were different from each other in some respect. A predominantly Hindi-speaking population inhabits them. Their common features are: they are an example of the first time creation of new states in the pre-dominantly Hindi-speaking region known as the “Hindi heartland”; they are rich in mineral resources; two of them (Jharkhand and Chhattisgarh) have a substantial population of tribals. A prolonged movement preceded the formation of Jharkhand. The formation of Uttarakhand was also preceded by a movement that became more vocal in the 1990s. Unlike Jharkhand and Uttarakhand, the creation of Jharkhand was not followed by a sustained and assertive popular mobilisation. Tillin (2013) shows that the formation of Chhattisgarh, Uttarakhand and Jharkhand states took place in a context. It was marked by the decline of the Congress and the rise of BJP and its competition smaller parties in states from which the new states emerged in 2000 – Bihar, Madhya Pradesh and Uttar Pradesh. The roots of demand for Chhattisgarh can be traced to 1948. State Reorganization Commission rejected the idea of separate Chhattisgarh in 1954. Chhattisgarh identity was formed based on a substantial

population of marginalised social groups – SCs, STs and OBCs and the notion of economic exploitation of the region. According to Louise Tillin, the demand became popular in the 1990s due to competition between two national parties, the BJP and the Congress, rather than popular mobilisation. Chhattisgarh Mukti Morcha, an organisation, formed by activists following different ideologies, underlined the need to create a state of Chhattisgarh. It demanded the creation of the Chhattisgarh state to get autonomy within the framework of the Indian constitution to end the exploitation of the region and achieve its development. The identity of Jharkhand emerged from the articulation of *Adivasi identity* and identity of the region, which had witnessed industrial development. Demand for the formation of the Jharkhand state was presented before the Simon Commission in the 1920s by the tribal leadership of the Chhotanagpur region, which later became part of the present Jharkhand state. Some organisations had come into existence from 1910 in order to promote education and development formed *Adivasi Mahasabha* in 1937 under the leadership of Jaipal Singh. The *Adivasi Mahasabha* was renamed as Jharkhand Party after Independence. This party played a decisive role in generating consciousness about the Adivasi identity in the region. However, the merger of the Jharkhand Party with Congress in 1963 created a vacuum in tribal leadership. It was followed by the emergence of Jharkhand Mukti Morcha (JMM) in 1972. The JMM had been involved in raising several issues of tribals in South Bihar, including the demand to form a separate state Jharkhand. In the 1980s, the demand for Jharkhand reemerged. Tillin (2003) identifies three processes that led to the reassertion of the demand: formation of a non-Congress government after emergency, competition within the Jharkhand movement on the need for a new state, and attempts the BJP to expand its support base.

The formation of Uttarakhand out of Uttar Pradesh was one of the demands raised in different regions of Uttar Pradesh. Apart from the demand for Uttarakhand, there were demands for new states in other regions of Uttar Pradesh. Demand was created to create in the backward regions of eastern Uttar Pradesh and Bundelkhand (consisting of some districts of Uttar Pradesh and some contiguous districts of Madhya Pradesh) regions Poorvanchal and Bundelkhand state, respectively. In a relatively more developed region of western Uttar Pradesh, which witnessed Green Revolution, the demand for the creation of separate states of Harit Pradesh was made (Singh 2001). In all these regions, advocates of separate states complained of discrimination of their respective regions by leaders belonging to other regions, the state governments, or the central governments. Except in the case of demand for Uttarakhand, those in other regions of UP did not witness popular mobilisation. The demands were raised by political leaders and political parties, organisations. Popular mobilisation for Uttarakhand became more sustained and vocal in the 1990s, though it can be traced back to the 1950s. In 1994, Mulayam Singh-led government in Uttar Pradesh decided to implement the Mandal Commission Report in the state, providing for 27 percent reservation in government jobs and admission to an academic institution. It was opposed in the hill region of UP on the ground that the OBCs formed a negligible population in the region, and people in the region launched an agitation. It led to police firing in the place known as Khatima, resulting in the death of people. The development intensified the demand for the creation of Uttarakhand State to be carved of Uttar Pradesh.

6.3.2 Andhra Pradesh and Telangana State

The roots of demand for the formation of the Andhra Pradesh state can be traced to the hunger strike of Potti Sriramulu, a Gandhian, resulting in his death in 1953. He set on a hunger strike demanding the formation of a state to be carved out the districts of Madras state where most people spoke Telugu. It led to the formation of Andhra State in the same year. This also persuaded the central government to appoint a commission to look into the feasibility of reorganising the state boundaries on a linguistic basis. The commission came to be known as the State Reorganisation Commission (SRC). The state of Andhra Pradesh, consisting of three regions – Rayalaseema, Andhra, and Telangana regions was formed on 1 November 1956. The people of the Telangana region opposed the creation of Andhra Pradesh on the grounds: the Telugu language was not an appropriate criterion; as Telangana was different historically from the Andhra region, it was a backward region. They argued that the interests of the Telangana region would not be protected in the state of Andhra Pradesh. In response to the opposition of the Telangana region to the creation of Andhra Pradesh, an agreement was signed in 1956 between the Congress leaders of both regions – Telangana and Andhra. This agreement came to be known as the Gentlemen's Agreement. The Gentlemen's Agreement aimed to safeguard the interests of the Telangana region. Among the important provisions of the Gentlemen's Agreement included creating a regional committee; and arranging for sharing power between Telangana and Andhra regions. If the chief minister was from one region, the deputy chief minister would be from another region. The regional committee was expected to look into the grievances of the region and recommend a device for their solution. In due course, the people in Telangana complained that the terms of the Gentlemen's Agreement were not followed and that Telangana region was discriminated against in multiple ways in the state of Andhra Pradesh. They demanded as a separate state of Telangana and launched a movement in support of the new state. The movement for Telangana passed through different phases. On the eve of the 1971 parliamentary elections, a group of lawyers, teachers and students formed Telangana Praja Samiti (TPS) to demanding creation of a separate state of Telangana. Under the leadership of Chenna Reddy, the TPS won 10 out of 14 Parliamentary seats in the Telangana region. However, the TPS merged with the Congress after elections, and the issue of Telangana state got relegated into the background. In 2001, K. Chandrasekhar Rao formed Telangana Rashtriya Samiti (TRS) with the purpose to get Telangana state. The alliance (as part of the UPA alliance) between the Congress and TRS in the 2004 Lok Sabha election resulted in the inclusion of the creation of Telangana in the UPA manifesto. The UPA constituted a sub-committee consisting of Sharad Pawar and Pranab Mukherjee to consider the Telangana state's formation. On the occasion of 2009 Lok Sabha election, P. Chidambaram, Union Home Minister, announced on 9 December 2009 that the process would be initiated to form Telangana State. This period also saw the popular mobilisation of by the Telangana Joint Action Committee (TJAC) formed by teachers and students, especially in Osmania University, and civil society organisations. The UPA-II government-appointed Srikrishna Committee in February 2010 to look into whether there was a need for a separate Telangana or United Andhra Pradesh state. The Srikrishna Committee submitted its report in December 2010. One of the options suggested was the state's bifurcation into Seemandhra (consisting of Rayalaseema and Andhra regions) and Telangana state. Consequently, the state of Telangana was formed in June 2014.

6.3.3 Assam

In northeast India, there have been demands after Independence for reorganisations of federal relations between the centre, state and local units of government in Northeast India. These demands have taken three forms: for the formation of the sovereign state, as in the case involving insurgencies, creating new states out of an existing state, or sub-regional autonomy within an existing state. This sub-section of the unit deals with the question of sub-regional autonomy, not with the question of sovereignty involving insurgency. It deals with the following examples relating to sub-regional autonomy: demand for creation of a hill state out the state of Assam in the 1950s-1960s, and movement for autonomy by the Bodo tribes in the plain areas of Assam.

The Hill State Movement: Formation of Meghalaya State

The tribes inhabiting hill districts as predominantly inhabited by the indigenous tribes such as Jaintia, Khasi, and Garos, Mizos, which were part of the state of Assam, demanded in the 1950s-60s formation of a hill state. This demand led to the formation of an autonomous state of Meghalaya (1971-72) within the state of Assam, which finally became a state of Meghalaya in 1972, separate from Assam. These hill districts had District Councils, which entitled them to enjoy autonomy in Assam under the VI Schedule of the Constitution. However, the tribes staying in these districts were not satisfied with their status within the state of Assam, even though they had enjoyed autonomy as per the VI Schedule. In addition, the resolution of Asom Jatia Mahasabha sought to make Assamese as the official language in Assam, including areas where most people spoke non-Assamese languages. In this context, the tribes such as Jaintias, Khasis, Garos, and Mizos that inhabited the hilly terrain of Assam demanded the formation of a separate hill state out of Assam as it existed. The tribal leadership in these districts, i.e., Chief Executive Members of the Councils in the districts, discussed the issue in several of their meetings which resolved on two issues: One, they demanded the formation of a separate Hills state to be carved out the hill districts of Assam and Amendment of the VI Schedule because “it confers no real autonomy”. In 1954, a conference of tribal leaders was in Tura (Garo hills).

The conference resolved to demand the formation of “a separate state for the autonomous districts of Assam” and send a memorandum to the State Reorganization Commission (SRC). The SRC rejected the demand because the demand was limited only to three hills – Jaintia, Garo and Khasis excluded large parts of Assam. The government appointed a commission under the chairmanship of H.V. Pataskar (1965-66), known as Pataskar Commission, to reorganise administrative set up in the hill area of Assam. Instead of a separate state, an autonomous state, which came to be known as Meghalaya, was created on 1 April 1970 within the state of Assam. It was created following the passage of the 22nd Amendment [the Meghalaya Amendment Act 55 of 1969] (following passage of the Assam Reorganisation (Meghalaya) Bill, 1969 by the both Houses of Parliament. The autonomous state had a three-tier system of power distribution. The Executive power was vested with the Governor of Assam, who was aided and advised by the Council of Ministers in Meghalaya as an autonomous state within Assam; the legislative assembly was created with membership open to all Indians in Meghalaya with the exception of Shillong, where all seats in (autonomous districts) were reserved for Scheduled Tribes; and the Governor was empowered to nominate three persons to the legislative assembly form

minority community who in his opinion were not adequately represented. The Governor of Assam was empowered to constitute village courts and courts of appeal with jurisdiction over tribals and non-tribals. Several state subjects were transferred from Assam to Meghalaya, excluding public order, armed police, railway police, and industry and sale tax. The Assam and Meghalaya legislatures were given concurrent jurisdiction of agriculture, forest, transport, communication and waterways. In 1972, Meghalaya became a separate state (for details, see S.K. Chaube 1978).

The Bodo Movement

The Bodos, the tribes that inhabit plain areas of Assam—Kokrajhar, Baksa, Chirang and Udalguri districts, have been demanding autonomy to their region to protect their cultural and linguistic identity and economic interests. Although the Bodo movement became more vocal and prolonged from the later 1980s, the Bodos have been raising the demand for their autonomy since the 1960s. In the initial years of their mobilisation, i.e., from the 1960s-1970s, the Bodos had demanded a separate state of Udayanchal to be carved out of Assam. Such a state would enjoy autonomy to decide concerning the Bodos' cultural identity and economic interests. The phase of the Bodo movement in the late 1980s began after the signing of the Assam Accord in 1985 between the Government of India, Government of Assam and AASU that had led the Assam movement. The Bodo had participated in the Assam movement. After signing the Assam Accord, they realised the need for autonomy: they felt that Clause 6 of the Assam Accord was not favourable to their cultural autonomy and economic interests. Bodos claim that they have a distinct cultural identity and economic interests. For their protection, they need to have autonomy.

Consequently, Bodos launched a more assertive and sustained movement for their autonomy than they did earlier. They demanded creating a state of Bodoland consisting of districts with a substantial Bodo population to be carved out of Assam. However, in due course, the Bodos shifted the focus of their demand from a separate state of Bodoland to getting institutions such as the District Autonomous Council enjoying autonomy with the state of Assam. In this context, Bodos signed agreements or accords with the Government of India and Government of Assam at different times and created autonomous bodies, i.e., in 1993, 2003 and 2020, *Bodoland Autonomous Council (BAC)*, *Bodoland Territorial Council (BTC)*, *Bodo Territorial Region (BTR)* respectively.

6.4 THE QUESTION OF GOVERNANCE

The question of governance and sub-regional autonomy are intertwined. Governance implies observance of certain parameters by a political system such as transparency, accountability, efficacy, the rule of law, inclusiveness. It means that the system is free from corruption and functions in a democratic way. The demands for regional autonomy arise because the people in some regions feel that their grievances are not addressed in the state of which they are part. In other words, their regions are not correctly governed in their existing states.

In some cases of the large states, especially in Uttar Pradesh, those who support the division of the state into different states argue that the existing state cannot govern all regions equitably and democratically due to its large territory. In all examples of demands for new states, it is argued that the new states will meet all

parameters of good governance: they will end various types of discrimination, provide corruption-free, inclusive and democratic governance. They argue that the smaller state provides better governance than big states. However, it has been observed that although they have got regional autonomy, several small states lack proper governance. There have been complaints of lack of governance, i.e., corruption, exclusiveness, and democratic deficit, even in regional or territorial autonomy areas. Some people argue that ideally, smaller states are suitable for good governance. Nevertheless, good governance depends on several other factors such as trust among different stakeholders, nature of leadership, and role of civil society organisations.

Check Your Progress 1

- Note:** i) Use the Space given below for your answer.
- ii) Check your answers with the model answers given at the end of the unit.
- 1) Identify the similarities and differences in the movements for the formation of Jharkhand, Chhattisgarh and Uttarakhand states.

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- 2) Discuss the relationship between sub-regional autonomy and governance.

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6.5 LET US SUM UP

Sub-regional autonomy is an important issue raised within the regions of many states in India. People in such regions often complain that the interests of their regions are not adequately protected within their state. They argue that they face multiple types of discrimination – social, cultural, political and economic. Especially in backward sub-regions, it is alleged that their natural resources are exploited to benefit other regions. The grievances of the regions are both based on reality and perceptions. Consciousness on the grievances gives rise to the formation of regional identity and demands for getting political autonomy. The people in the sub-region argue that granting autonomy to their region can enable them to formulate policies and utilise natural resources for their development. The demands for sub-regional autonomy are expressed in different forms: formation of new states out of one or more than one existing states; recognition

of a region within a state as an “autonomous state”; formation of autonomous district, regional or territorial councils; or creation of Union Territories. The demands for regional autonomy become frequent in some political contexts. In India, such demands continue to be raised in different forms in different states.

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6.7 ANSWER TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Multiple factors lead to the demand for regional autonomy. These are exploitation of the region’s natural resources by other regions, lack of recognition of social and cultural identities, and lack of adequate representation in public institutions.
- 2) Federal institutions play a pivotal role in the contemporary global world. Federal institutions accommodate the aspirations of sub-regional autonomy problems. The nature of relationships between a sub-region and the administrative units indicates an accommodative federal structure.

Check Your Progress 2

- 1) Similarities among the states of Chhattisgarh, Jharkhand and Uttarakhand are, complaints in all three that the governments of their respective states

Federalism

discriminated against them. Chhattisgarh and Jharkhand have a substantial tribal population. Their differences were, the demand for Chhattisgarh did not assume a form of movement, while in two other cases, they were movements.

2) Regional autonomy and governance are interrelated. Governance is about transparency in the functioning of administration, accountability, efficacy, inclusiveness, etc. The demands for autonomy come from multiple grievances caused because of lack of good governance. And the advocates of regional autonomy argue that autonomy will result in good governance.

