MA in Political Science
(under CBCS)

POL-05-II-2026

GAUHATI UNIVERSITY

Institute of Distance and Open Learning

Semester- II

Paper - POL 2026

POLITICS IN INDIA

GOPINATH BARDOLOI NAGAR
Guwahati - 781014 (Assam)

POL-05-II-2026

GAUHATI UNIVERSITY
Institute of Distance and Open Learning

M.A. Second Semester
(under CBCS)

POLITICAL SCIENCE

Paper: POL-2026

POLITICS IN INDIA

Contents:

Block I: Values and Ideologies
Unit 1: Nationalism
Unit 2: Socialism
Unit 3: Equality
Unit 4: Secularism
Unit 5: Social Justice

Block II: Contestation over nation
Unit 1: Indian 'nationhood': The Idea
Unit 2: Early challenges: Integration of princely states
Unit 3: Re-organization of the states
Unit 4: Demands for new states
Unit 5: Demands for Self-determination and Insurgency: J& K and Assam

Block III: Federalism
Unit 1: Constitutional Foundation
Unit 2: Contestation and innovations: Fifth & Sixth Schedules
Unit 3: Autonomous Councils and Development Councils
Unit 4: Fiscal Federalism: Sharing of Resources & Finance Commissions
Unit 5: Notion of Cooperative federalism

Block IV: Indian State
Unit 1: Nature of the Indian State: Contending Perspectives
Unit 2: The Developmentalist State: Change and Continuity
Unit 3: Nehruvian model, Green Revolution
Unit 4: New Wave of Populism-MNREGA
Unit 5: State and Coercion: Extraordinary Laws & Armed Forces

Unit 1: Nationalism

1.1 Introduction

Nationalism is basically a European concept. In fact nationalism can be considered as a European export to the rest of the world. Many scholars and historians agree that nationalism is of modern origin, while others say that it is of old origin. A strong attachment to the soil where one is born and brought up, to local traditions and to established territorial authority had been prevalent throughout history in varying strength.

There are several definitions of nationalism. Some of them are-- **Prof. Hans Kohn** (1965:9), a well-known authority on nationalism defines the concept as 'a state of mind, in which the supreme loyalty of the individual is felt to be due to the nation state'.

K.R. Minogue (1967:53) depicts nationalism as "a set of ideas.... a form of self-expression by which a certain kind of political excitement can be communicated from an elite to masses".

The Cambridge Encyclopaedia attempts to define the concept of nationalism as:

A political doctrine which views the nation as the principal unit of political organization. Underlying this is the assumption that human beings hold the characteristic of nationality, with which they identify culturally, economically and politically... Nationalism is thus associated with the attempts by national groupings to secure independence from dominance by other nation-states. It is often associated with die struggle against colonialism (Crystal 1990).

According to Prof. C.J.H. Hayes (1926:5-29), nationalism is 'a modem emotional fusion and exaggeration of two phenomena nationality and patriotism'.

Therefore nationalism can be considered as a feeling or sentiment that binds people together. It implies the undiscriminating interest and devotion to the state, culture of a particular nation-state.

Indian nationalism developed as a concept during the Indian independence movement which aimed at independence and freedom from British rule. Indian nationalism is an instance of territorial nationalism, which is inclusive of all of the people of India, despite their diverse ethnic, linguistic and religious backgrounds. It continues to strongly influence the politics of India and reflects an opposition to the sectarian strands of Hindu nationalism and Muslim nationalism. Mahatma Gandhi said about nationalism that nationalism can be equated to patriotism.

The concept of nationalism provides three (3) arguments—

A) Human society is divided into nations.
B) There is a sense of belongingness to a given national group
C) There is a political ideology which holds that national communities should have their homeland and should be able to govern themselves.

Nationalism is an ideology and movement that promotes interest of particular nation (as in a group of people) especially with the aim of gaining and maintaining the nation's sovereignty (self-governance) over its homeland. Nationalism may manifest itself as a part of official state ideology or as a popular non-state movement and may be expressed on the basis of civic, ethnic, cultural, language, religious or ideological lines. It clearly indicates that a nation should have the right to make decisions on state level.

Objectives:
Main objectives of Indian Nationalism was-

- To develop political agitations within the limits of law and by constitutional methods.
- To make the British Government aware of the Indian condition.
- To build up public opinion in the country amongst people.

- To present public demand to the Government through resolutions, petitions, meetings, etc. and arouse consciousness and national spirit.
- To persuade the British Government and build up Britain's public opinion in favour of India. The Indian nationalists believed that time was not perfect to directly challenge the British rule so they attempted to educate and unite people. They established a British Committee of the Indian National Congress in London and also started a journal titled 'India'.

SAQ

Why the growth of nationalism in the colonies is linked to an anti-colonial movement? (50 words)

……
……

How the First World War helped in the growth of the National Movement in India? (50 words)

……
……

1.2 Nationalism and Indian freedom movement

The concept of nationalism was developed amongst the people of India during the Indian independence movement against the colonial British Rule. The chapter deals with the events that took place in the country from the 1920s to free India from the shackles of foreign rule.

1.2.1 Growth of nationalist feeling

The want of freedom from colonial rule connected people across the country who were forged under the Indian National Congress by Mahatma Gandhi. From 1919 the movement spread to various sections of the society. The First World War had created a scenario which led to

a huge increase in defence expenditure which created hardships for common people. To worsen the conditions there was crop failure and an epidemic of influenza which led to people perishing. The common man thought that their hardships would end after the war but nothing improved.

1.2.2 The Idea of Satyagraha

The idea of Satyagraha was conceived by Mahatma Gandhi when he returned from South Africa in 1915 where he had actively fought against racism. Satyagraha emphasized the power and need for truth. According to him the concept of Satyagraha would be the string that would unite the country. Gandhiji led Satyagraha in Champaran, Kheda and Ahmedabad to help the peasants.

1.2.3 The Rowlatt Act

The Imperial Legislative Council despite the collective opposition of the Indian members passed the Rowlatt Act. It allowed the British government to curb down political movements in the country and allowed detention of political prisoners without trial for two years. Gandhiji wanted a nationwide Satyagraha against these unjust laws. A non-violent Civil Disobedience movement was launched against the law on 6th April. Nationwide protests took place. The British government wanted to curb down the upsurge so they arrested leaders from Amritsar and Gandhiji was detained to enter Delhi.

On 13th April, the infamous Jallianwala Bagh massacre took place. A large but peaceful crowd had gathered in the grounds of Jallianwala Bagh. Dyer entered the area and blocked the exit points and opened fire at the crowd killing hundreds of people.

The news of Jallianwala Bagh spread across the country like fire. People were infuriated and strikes, clashes, attacks on government buildings took place. There were utter confusion and violence in the country which led to Gandhiji calling off the movement.

Gandhiji then took up the Khilafat issue which bought unity amongst the Hindus and the Muslims together. The Khilafat Committee was set-up in Bombay in 1919. Gandhi urged the leaders of the National Congress to start a non-cooperation movement in support of Khilafat and Swaraj.

Stop to consider

Growth of Indian nationalism

The influence of western education was a vital factor for the growth of Indian nationalism. The British opened the gates of western education to the Indians which strengthened the Indian minds to face the challenges of British imperialism. The development of the modern means of transport and communications like roads, railways, post and telegraphs services helped in the growth of nationalism. The modern means of communication broke the isolation and established the link between people living in distant areas. The birth of Indian National Congress (INC) in 1885 contributed much towards the growing Indian nationalism. The foundation of the INC was laid with a pledge to work for the interest of the people and the country. Influence of western education gave rise to modern political ideas and institutions. The latter half of the 19th century witnessed the raid growth of vernacular newspaper in India. These newspapers became the voice of the sufferings of native people and exposed the evils of British imperialism and the newly developed nationalism reached the common people throughout the country.

1.2.4 Why Non-Cooperation?

As per Gandhiji British rule was established in India because of cooperation of the Indians. If Indians did not cooperate then the British rule would collapse in a year. The movement was proposed in stages starting from the renunciation of titles. There was a boycott of civil services, army, foreign goods, police, courts and legislative council. In December 1920, the Non-Cooperation Movement was adopted.

1.2.5 Differing Strands within the Movement

In 1921, January the Non-Cooperation-Khilafat Movement was launched. People from all sections of the society participated in the movement.

Foreign goods were boycotted. This led to the rise in the production of Indian textiles and handlooms. Teachers, students, headmasters, lawyers gave up on their services at government institutions.

In the countryside, the movement demanded a boycott of oppressive landlords. In June 1920 Jawaharlal Nehru visited the villages of Awadh to understand the problems of the peasants there. In October he set up the Oudh Kisan Sabha. In 1921 the peasant movement spread.

Check your progress

1. What factors influence nationalism?
2. How can the concept of a national identity both unite and divide people?
3. What are the elements of nationalism?
4. How did nationalism contribute to building the powerful nation-state? (40 words)

1.2.6 towards Civil Disobedience

The Non-Cooperation movement was withdrawn in 1922 because of it taking a violent turn. In 1928 the statutory Simon Commission arrived in India only to be greeted by the slogan- 'Go back Simon'. In December 1929, the Lahore Congress headed by Jawaharlal Nehru formalized the demand of 'Purna Swaraj' or complete independence.

1.2.7 Salt March and Civil Disobedience Movement

In demand to abolish the salt taxes primarily, Gandhi put eleven demands in-front of Viceroy Irwin. In case the demands were not fulfilled the Congress would start the Civil-Disobedience Act. The famous salt march from Sabarmati Ashram to Dandi took place. Gandhiji violated the salt laws manufacturing salt from boiling water. The Gandhi-Irwin pact was signed after enormous confusion in the country. The Civil-Disobedience had lost its momentum by 1934.

1.2.8 Limits of the Civil Disobedience Act

The Dalits wanted a separate electorate and demanded a reserved seat in educational institutes. After the suspension of the Non-Cooperation-Khilafat Movement, the Muslims felt alienated from the congress and there was tension between the Hindus and the Muslims.
You will get all these points and much more in detail if you get your copy of Class 10 History Chapter 3 Notes in Hindi as well.

1.2.9 Vande Mataram

People across the country came on the streets to fight against British rule. History nationalism in India was further fostered by patriotic and historical fictions, folklores, songs, etc. Bankim Chandra Chattopadhyay composed 'Vande Mataram'. Abanindranath Tagore painted 'Bharat Mata.' India emerged as a nation which wanted freedom from colonial rule. This collected sense of common belongingness finally led our beloved country to freedom.

1.3 Foundations of Indian Nationalism:

The process of political mobilisation of people of India took a definite shape in the second half of nineteenth century. The impact of popular revolts in the development of new political consciousness and the role

of educated Indians in mobilising public opinion are very crucial to understand in this context. Several factors were responsible for the political developments of this period leading to the rise of Indian nationalism.

1.3.1 LEGACY OF POPULAR REVOLTS

To expand and protect the interests of Britain in India, British government adopted various policies in economic, political and social spheres which gave birth to discontent against British rule and raised the idea of pan-Indian nationalism. During British rule famines were man made because of exploitative policy of British government. The new land revenue system, commercialisation of agriculture, drain of wealth, and de-industrialisation adversely affected the peasants and the tribal people who revolted in many parts of India during the eighteenth and nineteenth centuries. The challenge that these rebellions put to British rule helped in creating awareness about exploitative nature of foreign rule and in developing anti-British sentiments. The great revolt of 1857 is seen as the outburst of accumulated anger of dispossessed princes, disgruntled soldiers and aggrieved peasantry. The spirit of protests against exploitation continued after 1857 and the indigo cultivators' resistance to the oppressive system of indigo cultivation by all European planters turned into a major revolt in 1859-60 in the province of Bengal. In the absence of any organised leadership and definite ideology peasant movements during this period might not have directly challenged British rule but the courage and consciousness shown by peasants had definite influence in shaping public opinion against colonialism. The new Indian intelligentsia was very much touched by the miseries of peasants and in the writings of nineteenth century this concern for peasants was reflected. The various popular revolts paved the ground for the growth of new political consciousness against British rule.

1.3.2 INTELLECTUAL AWAKENING

In 1817 with the establishment of the Hindu college at Calcutta Indian elite, belonging mostly to upper caste Hindus, got opportunity to learn English language and western science. English was made the official language in place of Persian language in 1835 and the rising elite saw in learning English the key to power under British regime. The importance of vernacular press in creating awareness about the misery of indigo cultivators, educated Indians' concern for poor cultivators and their criticism of British rule helped in shaping public opinion against British rule. More important is the fact that oral traditions helped in creating awareness about exploitative nature of British rule 9 Foundations of Indian Nationalism among common masses. Folk songs and local forms of drama were used in exposing the misdeeds of British rule. The dawn of new political consciousness among Indians soon became visible with the emergence of a number of political associations.

1.3.3 PROVINCIAL POLITICAL ASSOCIATIONS

The formation of political associations to put forward demands of Indians to British government marked the beginning of new political consciousness of Indians. The new intelligentsia played significant role in these associations. The intelligentsia started questioning the legitimacy of the continuation of British rule when their faith in British governance was shaken because of several famines caused by British rule. Dadabhai Naoroji and Ramesh Chunder Dutt strongly criticised economic exploitation of India by British rule. Several provincial associations came up after 1850s in spite of having its limited social base and limited objectives. But these marked the beginning of the process of political awakening and gave momentum to political activity. These associations provided confidence to Indians to organise political opposition to the mighty British rulers.

Check your progress

1. Analyse nationalism as a modern concept. (30 words)

……
…….

2. Explain the growth of nationalism in India in relation to freedom movement. (60 words)

……
……

3. In which place Mahatma Gandhi organised Satyagraha for the first time?

1.4 Advantages and disadvantages of nationalism:

Advantages

a) Unity in the groups of people even in diversity
b) Duty towards the nation above all.
c) Patriotism.
d) Pride in belonging to the nation.
e) Working together for the motherland even when living in a different nation.

Disadvantages

a) Thinking for only own nation without any concern for the country where actually living in.
b) In some cases going to extreme left/ right fringes in the name of security of the nation.
c) Sometimes creating intolerance for the other countries by going to the extent of extreme hatred for people of another country.
d) To have prejudice about others.

e) Insulting and hurting other nationalities and their religion, society and culture.

Contribution of Raja Ram Mohan Roy in the growth of nationalism

Ram Mohan Roy was a forerunner of Indian nationalism. He laid the foundation of all movements such as social, religious, political etc. in India to fight for the advancement of the country. He sought to establish a cultural synthesis between the east and the west. He founded the Brahmosamaj. Aim of this institution was to remove all the evil practices within Hinduism. He deeply studied and interpreted Hindu scriptures. He also contributed equally towards the social reformation and spread of education. He vehemently opposed to the practices such as casteism, child marriage, satidah, purdah, polygamy and have recognition to widow remarriage and inter-caste marriage. His campaign for the abolition of Sati is of great significance in the Indian social history.

1.5 TYPES OF NATIONALISM:

1.5.1 **Civic nationalism:** Civic nationalism, also known as_liberal nationalism, is a form of nationalism identified by political philosophers who believed in an inclusive form of nationalism that adheres to traditional liberal values of freedom, tolerance, equality and individual rights.

1.5.2 **Cultural nationalism:** Cultural nationalism is a type of nationalism in which the nation is defined by a shared culture and common language, rather than on the concepts of common ancestry or race.

1.5.3 **Ethnic nationalism:** Ethnic nationalism, also known as ethno nationalism, is a form of nationalism wherein the nation and nationality are defined in terms of ethnicity, with emphasis on an ethnocentric (and in some cases an ethnocratic) approach to various political issues related to national affirmation of a particular ethnic group.

1.5.4 **Religious nationalism:** Religious nationalism is the relationship of nationalism to a particular religious belief,

dogma, or affiliation. This relationship can be broken down into two aspects: the politicisation of religion and the influence of religion on politics.

1.5.5 **Racial nationalism:** Racial nationalism is an ideology that advocates a racial definition of national identity. Racial nationalism seeks to preserve "racial purity" of a nation through policies such as banning race mixing and the immigration of other races.

1.6 Nationalism in India:

1.6.1 The Gandhian era

Mahatma Gandhi pioneered the art of *Satyagraha*, along with a strict adherence to ahimsa (non-violence), and civil disobedience. This ideology of non- violence permitted common individuals to engage the British in revolution, without employing violence or other distasteful means. Gandhi's equally strict adherence to democracy, religious and ethnic equality and brotherhood, as well as activist rejection of caste-based discrimination and untouchability united people across these demographic lines for the first time in India's history. The masses participated in India's independence struggle for the first time, and the membership of the Congress grew over tens of millions by the 1930s. In addition, Gandhi's victories in the Champaran and Kheda Satyagraha in 1918–19, gave confidence to a rising younger generation of Indian nationalists that India could gain independence from British rule. National leaders like Sardar Vallabhbhai Patel, Jawaharlal Nehru, Maulana Azad, Chakravarti Rajagopalachari, Mohandas Gandhi, Rajendra Prasad and Badshah Khan brought together generations of Indians across regions and demographics, and provided a strong leadership base giving the country political direction.

Indian nationalism is an instance of territorial nationalism, inclusive of its entire people, despite their diverse ethnic, linguistic and religious

backgrounds. Indian nationalism grew partly as a result of colonial policies and partly as a reaction to colonial policies. The rise and growth of Indian nationalism has been traditionally explained in terms of Indian response to the stimulus generated by the British Raj through creation of new institutions , new opportunities etc.

1.6.2 Social and Economic Bases of Nationalism:¬

Understanding of Contradiction in Indian and Colonial Interests, People came to realise that colonial rule was the major cause of India's economic backwardness and that the interests of the Indians involved the interests of all sections and classes. The very condition of British rule helped the growth of national sentiment among the Indian people.

Stop to consider

The rise of radical nationalists

Role of the radical nationalists was very crucial to the growth of nationalism. The mild policies of the Moderates in the Congress led to the rise of passionate, radical nationalists, who came to be called the 'Garam Dal'. The first phase of the nationalist movement came to an end with government reaction against the Congress on the one hand and a split in the Congress in 1907 on the other. That is why the period after 1905 till 1918 can be referred to as the 'Era of Passionate Nationalists or Garam Dal'. Lala Lajpat Rai, Bal Gangadhar Tilak and Bipin Chandra Pal (Lal-Bal-Pal) were important leaders of this Radical group. Their entry marked the beginning of a new trend and a new face in India's struggle for freedom. According to them, the Moderates had failed to define India's political goals and the methods adopted by them were mild and ineffective. Besides, the Moderates remained confined to the upper, landed class and failed to enlist mass support as a basis for negotiating with the British. They realized that the British were out to exploit Indians, destroy their self-sufficiency and drain India of its wealth. They felt that Indians should become free of foreign rule and govern themselves. This group, believed in organizing mass protests, criticizing government policies, boycotting foreign goods and use of Swadeshi goods etc. They did not believe in depending on the mercy of the Britishers, but believed that freedom was their right. Bal Gangadhar Tilak gave a slogan 'Freedom is our birth right and we must have it'.

1.6.3 Political, Administrative and Economic Unification of the Country:

Nationalist sentiments grew among the people of India because India was unified and came together as a nation during the 19th and 20th centuries. The introduction of a uniform system of government by the British throughout the country unified it administratively. The destruction of the rural and local self-sufficient economy and the introduction of modern trade and industries on an all India scale had increasingly made India's economic life a single whole and interlinked the economic fate of people living in different parts of the country. Apart from that, the introduction of the railways, introduction of telegraph and unified postal systems brought the different parts of the country together and promoted mutual contact among the people, especially among the leaders.

1.6.4 Western Thought and Education:

As a result of the spread of modern and western education and modern thought during the 19th century, a large number of Indians developed a modern rational, secular, democratic and nationalist political outlook. The spread and popularity of the English language helped nationalist leaders of different linguistic regions to communicate with each other. Modern education also created a certain uniformity and community of outlook and interests among the educated Indians. This English-educated intelligentsia constituted the group of leaders for the newly-arising political unrest, and it was this section of the society which provided leadership to the Indian political associations.

1.6.5 Rediscovery of India's Past:

The historical research done by some European scholars such as Max Mueller, Monier Williams and by some Indian scholars such as R.G.

Bhandarkar, R.L. Mitra and later Swami Vivekananda created an entirely new picture of India's past glory and greatness. The theory put forward by European scholars that the Indo-Aryans belonged to the same ethnic group of mankind from which stemmed all the nations of Europe gave a psychological boost to educated Indians. All these inspired the educated Indians with a new spirit of patriotism and nationalism.

1.6.6 Role of Press and Literature:

Press and media also played a very crucial role in the growth of Indian nationalism. With the emergence of the modern press and media, both English and Vernacular, by the end of the 19th century, the country saw an unprecedented growth of Indian-owned English and Vernacular newspapers. The Indian Press played a notable role in mobilising public opinion, organising political movements, fighting out public opinions and promoting nationalism.

1.6.7 Character of Socio-Religious Reform Movements:

The socio religious reform movements aimed at removing social and cultural evils which divided the Indian society. Thus this contributed towards bringing different sections of the society together. Since many reform movements drew their inspiration from India's rich cultural heritage, these promoted pan-Indian feelings and spirit of nationalism.

1.6.8 Reactionary Policies and Racial Arrogance of the Rulers:

Another important factor for the growth of Indian nationalism was the racial arrogance of the British rulers. The feeling of racial superiority adopted by many Englishmen in their dealings with Indians was also responsible for the growth of Indian national sentiment among the minds of people to some extent. Apart from that the reactionary policies

of the British government were also responsible for the growth of political associations.

REFERENCES:

1. Irfan Habib (2017), Indian Nationalism: The Essential Writings, Aleph Book Company.
2. Debajyoti Biswas & John Charles Ryan (2021), Nationalism in India
   Texts and Contexts, Routledge
3. Sylvie Guichard (2012), The Construction of History and Nationalism in India: Textbooks, Controversies and Politics, Routledge Advances in South Asian Studies
4. Bipan Chandra (1979), Nationalism and Colonialism in Modern India, Orient Blackswan Private Limited , New Delhi
5. Bidyut Chakrabarty & Bhuban Kumar Jha (2019), Hindu Nationalism in India: Ideology and Politics, Routledge Studies in South Asian Politics.
6. Romila Thapar, A.G Noorani, Sadanand Menon (2016), On Nationalism, Aleph Book Company.
7. R.C Vermani (2008), Colonialism and Nationalism in India.
8. Jim Masselos (2010), Indian Nationalism: A History, Sterling Publications Private Limited.

Unit2: Socialism

1.1 Introduction

Socialism is a philosophy having three dimensions i.e. Political, economic and social, characterised by social ownership of the means of production. Socialism opposes private ownership of production. Socialism is acknowledged as an important goal of Indian political system. Socialism talks about welfare of the people, and seeks to ensure equality to the people. Philosophy of socialism advocates for removal of exploitation of one class by the others and ensures economic and political equality to all. It has been held that not only political but economics and social democracy are equally essential for the development of the country. Article 14 to 18 of Indian constitution ensures the right to equality in which all citizen are equal before law. On the basis of any caste, creed or religion nobody should be denied of his legal right, thus ensuring social equality. Untouchability was a curse to the Indian Society, Which was abolished, as well as practices of untouchability in any form was forbidden and made punishable. In other social reform, education was made free and compulsory up to the age of 14 to all. Steps were also taken for the benefit of backward classes, to bring justice and progress for them. It is so significant and imperative for the modern democratic polity that the Indian Constitution despite having the spirit of socialism, required the 42nd amendment in 1976 to get the word socialism inserted in the preamble of the constitution as the basic philosophy of the Indian Polity. Prior to that the word 'Socialism' was not there in the constitution. This basic constitutional concept has added to give economic content to justice equality and fraternity and to affirm the resolve of non-discrimination on ground of religion. Social and economic justices are the pillars and very significant for socialism.

That is why, the framers of our constitution have prescribed these fundamental principles in shape of directive principle of state policy in part 4th of the constitution of India to establish a welfare state based on the principles of socialism. The holy spirit of the socialism enshrined in the constitution need to be safeguarded by all, so that people can have all round progress with peace and harmony.

The socialist political movements included a set of political philosophies that originated in the revolutionary movements of the mid and late 18th century. It developed out of concern for the social problems that were associated with capitalism. By the late 19th century, after the work of Karl Marx and his collaborator Friedrich Engels, socialism emerged as an opposition to capitalism and advocacy for a post-capitalist system based on some form of social ownership of the means of production. By 1920s, communism and social democracy became the two dominant political ideologies within the international socialist movement, with socialism itself becoming the most influential secular movement of the 20th century. Socialist parties and ideas remained a political force with varying degrees of power and influence on all continents, heading national governments in many countries around the world.

SAQ

1. What are the 5 main characteristics of socialism?
   ……
   ……
2. How does socialism affect society?
   ……
   ……

1.2 MARXIAN SOCIALISM:

Marxian Socialism is generally known as Scientific Socialism. It is scientific because it is based on the study of history. There are mainly four pillars of Marxian socialism. Dialectical Materialism is one of the

four pillars. Marxian dialectic has given a right shape to the Hegelian dialectic. The difference between the two can be seen from the fact that whereas for Hegel the ultimate reality is spirit or reason, for Marx it is matter in motion. According to the philosophy of Hegel, the historical development takes place under the stress of conflict between nations. Its moving forces are ideas. Marx, on the other hand, holds that units, in which humanity becomes organized in the course of development, are economic classes and not nations. The goal towards which the dialectical materialism is moving is the society perfectly organized for production in which there shall be no class distinctions and no exploitation. It represents the final synthesis which would not give rise to its antithesis.

Historical Materialism is the second pillar of Marxian socialism. Historical Materialism is the direct application of the principles of dialectical materialism to the development of society. It is, in fact, an economic interpretation of history. This theory starts with the belief that economic activities are the basis of political, legal, cultural and religious institutions and beliefs. The theory depends on the fact that man must eat to live and in order to eat he must produce. Thus his survival depends upon the success with which he can produce what he wants from nature. Production is the most important of all activities. Society is the result of these necessities of man. According to the materialistic interpretation of history the course of history is solely and ultimately determined by the economic forces. The final cause of all social and political changes lies in the mode of production. The doctrine of class war is a natural phenomenon of Marxian theory of materialistic interpretation of history. Marxian thesis is that in every system of production the society becomes divided into two hostile groups with conflicting interests. According to Karl Marx, “The history of all hitherto existing society is the history of class struggle. Freeman and slave, patrician and plebeian, lord and serf, guild master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of society at large or in the common ruin of

the contending classes" . Thus according to Marx, the history of humanity is the history of class struggle, whatever the form of struggle the fact of class war is fundamental.

Theory of surplus value is the third element of Marxian philosophy. The theory of surplus value has been discussed by Marx in Das Capital. Marx pointed out that it is labour alone that produces value. The value of the price should go to the labour. But in actual it does not happen. The labour is given only his wages which are just enough to keep him active. The capitalists give only a little to the labour and keep the rest for themselves. Marx called Surplus Value as 'Concealed Labour' or labour not paid for. Surplus value was the difference between the value of commodity and the wages received by the labour. The appropriation of surplus value by the capitalists is simple and pure exploitation. It is this appropriation of surplus value by the capitalists which makes the capitalist system exploitive in nature. Marx used the theory of surplus value to prove his thesis that capitalism is by its very nature exploitive.

Marx considered Dictatorship of the Proletariat as the fourth element of his philosophy. According to Marx, capitalism is inevitably doomed to destruction and communism is bound to come. But after capitalism is destroyed communism will not spring up all above. Marx says that Dictatorship of the proletariat is an essential stage in the course of transition from the capitalistic society to socialistic sovereignty. According to Marx, the state was an obstructive force in social revolution. It was the agency through which the ruling class imposed its will upon the subject classes. He said that even when capitalism was overthrown and the dictatorship of proletariat was established, the state was to continue for some time. The reason was that the machinery of the state was to be used by proletariat for the purpose of crushing the resistance of the capitalists. However, with the work of destruction being finished, the state was to wither away. Thus the state was not to be a permanent institution.

Stop to consider

Growth of socialist ideas in India

The leaders of the Indian national movement were not only against the continuation of the British rule, they also wanted to reconstruct the social, political and economic structure of India after the attainment of Independence. The socialist ideas constituted a very important feature of this proposed reconstruction. Although the systematic development of socialist ideas took place in India from the 1920s , even before some leaders had strongly desired the socio-economic reconstruction of Indian society on radical lines. Thus, in 1893 Aurobindo contributed seven articles to under the title "New Lamps for Old". In these articles he criticised the middle class orientation of the Indian National Congress and pleaded for the betterment of the conditions of the "proletariat". It can be stated that Lala Lajpat Rai was probably the first Indian writer to talk about socialism. He presided over the first Indian Trade Union Congress in 1920. But M.N. Roy's comment on Lala Lajpat Rai was that he was "a bourgeois politician with no sympathy for socialism." M.N. Roy criticised the bourgeois domination of the Congress during 1921-23. This was mainly because he was interested in the establishment of communism in India.

The socialist ideas in India assumed organisational form in May 1934. The socialists formed the Congress Socialist Party (CSP). The failure of the Civil Disobedience movement led to a chain of events which eventually led to the formation of the CSP within the Congress. The Congress Socialist Party formed a group of socialists within the Congress. It aimed at achieving complete Independence of India from imperialism and the establishment of a socialist society. The plan for this was adopted at one of its conferences which strived for "All power to the toiling masses, nationalisation of key industries, abolition of feudalism and landlordism without compensation, distribution of land and co-operative and collective farming."

1.3 GANDHIAN SOCIALISM:

Gandhian Socialism requires that there should be no exploitation of man by man. Every man has to live a life of virtue. Satya and Ahimsa are the foundations of his socialism. Gandhi was in favour of dispossessing every person of all his private property if that could be achieved by truthful and non-violent methods. According to Mahatma Gandhi ji,

people should utilize their property for the benefit of their community. If universally practiced, trusteeship would lead to economic equality and equitable distribution. In the words of Gandhi ji "Trusteeship proves a means of transforming the present capitalist order of society into an egalitarian one, it gives no quarter to capitalism but gives the present owning class a chance of reforming itself" He repudiated the state on ethical, historical and economic grounds. According to him, the state represents violence in a concentrated and organized form. In his own words, "I look upon an increase in the power of the state with the greatest fear, because although while apparently doing good by minimizing exploitation, it does the greatest harm to mankind by destroying individuality which lies at the root of all progress" Both Gandhi ji and Marx wanted to establish an order which would make the masses co-sharers in the gift of nature and fruits of human labour. But while Gandhi ji insisted upon adherence to truth and non-violence for achieving this object, Marx did not care for the means provided they could achieve the end as quickly as possible. Marx put forward the theories of class war and dictatorship of proletariat, while on the other hand, Gandhi ji pronounced the theories of Varna, Dharma, Satyagraha, Decentralization and Trusteeship. It should be remembered that the greater part of the differences between various theories of socialism is based not so much on nature and definition of socialism but on the method and tactics of changing the present capitalist society into a socialist one. However, one thing is common to all the above groups of socialism. They lay emphasis on the welfare of the people. Socialism seeks to give equality to the people. It tries to remove exploitation of one class by the other and ensure economic and political equality to all. The essentials of socialism may be summarized as follows.

The philosophy of Socialism condemn the societal inequality created by the capitalistic system. Because there cannot be a fair competition between the rich and the poor on account of the existing economic inequality. The danger of starvation forced the workers to accept whatever is offered to them by the capitalists. Because the basic purpose of the capitalists is to enrich the ruling class and to exploit the working

people. Socialists view that the link between labour powers and the means of production is based on the community of the working peoples' economic interest, on their mutual dependence. System of production actually aims at improving the well-being of all.

Check your progress

1. How does socialism affect the government?
2. What's the difference between socialism and communism?
3. Who is the father of socialism in India?
4. Is India a socialist country? Give your views. (50 words)
5. Explain the ideas of democratic socialism in Indian political system. (600 words)

1.4 Socialism and India's economic policy:

There has been a direct interaction between the socialist ideas and doctrines of Indian economic policy making. Socialist ideas have significantly influenced the formulation of the means and objectives of Indian economic policies. This has happened in two distinct ways: either by the impact of external, socialist ideologies on the economic and political notions held by elite groups influencing policy-making in India; or by the political constraints imposed on the dominant Congress Party by the left and the relative weakness of the right parties in the spectrum of Indian politics. Any serious analysis of the evolution of economic policy in India, and the policy instruments and objectives characterizing it, and the nature of the outcome of these policies in terms of the fulfilment or frustration of the apparent objectives, must address itself to the interaction of socialist doctrines with it. Impact of socialism can be seen upon the economic policy making of our country since independence. It can be understood in different ways. Within the industrialisation programme of India the possibility of a shift to heavy

industry was to characterize the second five year plan (1956-61) and was to continue into the third plan. Apart from this the industrialisation program was to become subject to targeting for many industries and to detailed industrial licensing extending over the entire modern, large-scale non- agricultural sector. These major contours of Indian economic policy framework influenced by socialised thinking of the Fabian type and by the Soviet practice of socialism, were reinforced by other factors. Socialist thinking not only influenced merely the policy-making elites in the Congress party who dominated the political scene since 1947, but also constrained the flexibility of the Congress party for moving in other direction.

There are also several criticism against the socialist pattern of Indian economic policy raised by several scholars. The Indian economist, Raj Krishna, aptly described the central tendency of Indian policy as 'first round' socialism. He outwardly called it a system where socialist measures wind up being aborted or subverted in execution. Few intellectuals in India believed that under the political set-up, with a ruling Congress Party in the centre, was heavily dominated by the urban middle class, large-scale entrepreneurs and landed interests. This was not a single political party with a clear ideological commitment like Lenin's Bolsheviks or Mao's communists, and its professed commitment to socialist notions was increasingly seen to be one of political convenience rather than convictions.

It can also be said that unlike the Marxist-communist tradition, which imparts a strong ideological basis for revolutionary struggle and fairly clear objectives, the English socialist tradition, from which most Indian intellectuals, including Nehru, inherited several elements, is strictly empirical and non-ideological. Such a tradition surely can result in risk, both of degenerating into socialist pattern, without a concrete programme being executed by an ideologically-inspired cadre of socialists, and, indeed, of being captured and turned into an instrument of bourgeois classes pursuing their own interests behind a socialist screen.

It should be emphasized that, in case of India, the course of economic policy and performance in India also greatly influenced socialist thinking among the intellectuals. Among the dominant nationalist leaders who articulated extensively on the possibility of adopting a Soviet-type system in India, were Mahatma Gandhi, Nehru and Tagore. In their evaluation of Marxism-Leninism-Communism, all three categorically rejected the violent means of achieving a socialist system while, in essence, agreeing with its basic objectives.

Mahatma Gandhi wrote in his book *Harijan*: 'I believe in non-violent . . . communism... if communism came without any violence, it would be welcome. For then no property would be held by anybody except on behalf of the people and for the people.' Jawaharlal Nehru also wrote once regarding communism. Regarding the actual adoption of a Soviet-type system in India, Nehru's attitude was negative both from the point of view of the method of implementing it and, also, its timing. Thus on the former issue, he wrote: 'In regard to the method and approach to this ideal, I may not agree with everything that the orthodox Communists have done. I think that these methods will have to adapt themselves to changing conditions and may vary in different countries...'

Stop to consider

Democratic socialism in India

The social, political and economic reconstruction of the country is being directed towards democratic Socialism. It was on Dec. 21, 1954 that Socialism asserted itself as a goal in a resolution of the Lok Sabha. The resolution was adopted at the conclusion of the debate on Industrial Policy. The Second Five Year Plan accepted 'the adoption of the Socialist Pattern of Society as the national objective in the Second Five Year Plan). The subsequent Plans claim to accentuate the progress towards Socialism. Democratic socialism aims at the establishment of a casteless and classless society, based on democracy, dignity of the individual and social justice.

The democratic Socialists, therefore believe in the instrumentality theory of the State. The State is a human device designed for human needs. If the State

is to function as a mechanism to be used for ends higher than itself, then it must be democratic. If it is to be conceived as a web of associative life, as a network of community organization, it will have to be democratic. If it is not, the State is bound to become a class State and will thus become an instrument of exploitation in the hands of the ruling class. The democratic basis of the State will help it is developing a positive content.

1.5 SOCIALISM IN INDIA:

In India, the economic and political theory of democratic socialism has been borrowed mainly from England. But many of the Indian thinkers and writers followed the intellectual background of socialism for the reception of this ideology. Socialism is one of the most significant concept in international politics today. Several Indian thinkers and leaders also began to formulate some kind of a socialist ideology.

Indian Vedic culture and Upanishads from ancient times has emphasized the importance of Socialism. The ideal of intellectual tolerance of the view of opponents is a democratic heritage. Political leaders like Dadabhai Naoroji believed in redeeming the labourers' from exploitation. Jay Prakash Narayan was one of the most well-known and recognized personality in the field of Indian Socialism. He joined the socialist movement in India to the great struggle for national freedom that was being fought under the banner of the Indian National Congress. Jaya Prakash Narayan tried to develop and follow the socialist ideology for the emancipation of the masses from imperialist political domination. In the context of the immense poverty and decadent agricultural society of India, Jay Prakash Narayan stressed the elimination of the mechanical and social restraints that hampers agricultural productivity. In this context it may also be noted that Ram Manohar Lohia has also made a significant contributions to the progress of socialist movement of India. He pleaded for a greater incorporation of Gandhian ideas in socialist thought.

After Independence of India, the Congress Socialist Party became committed to the ideal of democratic socialism. In 1964, the All India

Congress Committee passed a resolution at Bhubaneswar wherein they stressed democratic socialism. Democratic Socialism in India claims to be an alternative to state capitalism and bureaucratic tyranny. State capitalism can be more heartless and cruel in its techniques of suppressing freedom than private capitalism. A private capitalist can only economically exploit the labourers. But when the state becomes a capitalist, then, on certain occasions, it can even legally arrest labourers for engaging in what it considers illegal practice. The controlling devices of the state can be more ruthless than those of the private capitalists. Therefore, in order to achieve the goals of Democratic Socialism, there has to be roper provisions for ending the evils of state socialism. It must provide for increasing workers' participation in the managerial processes.

Stop to consider

Jawaharlal Nehru's idea of socialism

It is very important to understand the views of Jawaharlal Nehru's idea of socialism. Within the Congress party, the opinion on socialism was divided on the goal and purpose of the freedom movement and on alternative social and economic system after independence. There were major differences of ideas on the issue between Nehru and Gandhi. Nehru wanted the country to accept socialism after independence. In fact he declared himself a "socialist and republican" at the Lahore session of Congress in December 1929. This session was preceded by his visit to the Soviet Union in 1926-27. Nehru was impressed by the socialist revolution in Russia and by its economic planning. At this session Nehru said that the ideology of socialism was influencing the whole world, the only differences which existed were regarding the pace and method of achieving socialism.

He added that "India will have to go that way too.....Though she may evolve her own method and may adopt her own ideal to the genius of h& own race." He explained his view that the immediate goals after independence of the country would be the ending of the exploitation of her people, attainment of political independence free from imperialist domination and ending of all special privileges and vested interests. He favoured abolition of landlordism and giving land to the tillers without compensation to the landlords. Although Nehru accepted Marxism, he was critical of the methods employed by them. Also he criticized the communists for developing contacts with only the workers who stayed in the cities and not with those in the villages. Apart from this it was also a fact that he was not satisfied with the way the CSP functioned. He was of the view that the socialists, like the communists had failed to adapt socialism to Indian conditions. On the other hand the socialist leaders too criticised Nehru for his views on the CSP. They said that Nehru wanted to take full advantage of their ideological closeness to him in fighting the right wing Congress leadership.

Jawaharlal Nehru's socialism was influenced by both Marxism and Gandhism. He did not leave Congress to join the CSP (Congress Socialist Party), despite his ideological closeness to them because he wanted to transform the Congress party on socialist lines. He wanted Congress to implement policies on socialistic lines. He wanted it to do so after the country's independence.

Many scholars have provided different definitions and interpretations of Socialism. For example reference can be made to Durkheim. Durkheim made a distinction between the ancient transcendental communism and the modern mechanistic socialism which has developed in the post-Industrial Revolution era as a counterpoise to the evils generated by industrialization. The key-concept in modern socialism has been the socialization of the means of production. Sometimes, socialization and nationalization are used interchangeably. But a distinction must be made.

References:

1. S. Jaishankar (2020), The India Way: Strategies for an Uncertain World, HarperCollins India
2. Frederick Engles (2017), Socialism: Utopian and Scientific, Peking Foreign Languages Press
3. Jean Dreze & Amartya Sen (2020), An Uncertain Glory: India and its Contradictions, Penguine books.
4. Neera Chandhoke & Praveen Priyadarshi (2009), Contemporary India: Economy, Society, Politics, Pearson Education India.
5. Jairam Ramesh (2015), To the Bring and Back: India's 1991 story, Rupa Publications India.
6. Amartya Sen (2019), The Argumentative Indian: Writings on Indian Culture, History and Industry, Penguine books.
7. Maulana Abul Kalam Azad (1988), India Wins Freedom, Orient BlackSwan.
8. Amit K. Thakur (2021), Eradicating Poverty Capitalism, Bluerose Publishers Pvt. Ltd.
9. C.H. Hanumantha Rao (2019), My Journey from Marxism-Leninism to Nehruvian Socialism: Some Memoirs and Reflections on Inclusive Growth, Academic Foundation.
10. Thom Lord, The War against Socialism, Universe publication.
11. Arun Kumar (2002), The Black Economy in India, Penguin Random House India.

Unit 3: Equality

1.1 Introduction

The concept of Equality can be understood both in a descriptive and normative way. As a descriptive concept, equality is, a relation between two or more entities that are identical in some specific respect. Two entities cannot be same or identical in all respects, because then they would not be two entities but the same entity. The equality may be one of quantity or quality. Equality may be predicated of things, persons, or social entities such as institutions, groups, and so on. Equality may also be understood in a normative way too. As a normative concept, equality is the notion that there is some special respect in which all human beings are in fact equal (descriptive) but that this factual equality requires that we treat them in a special way. Special treatment may mean ensuring identical treatment, or it may mean differential treatment to restore them to or to aid them in reaching or realizing the specific factual state.

Several classical political theorists also talked about equality in their writings. Plato in his famous work 'Republic' mentioned that a just society was identified with a harmonious society. According to Plato, a harmonious society consisted of one in which the division of labour was exactly correlated with individual differences of ability. Even when Plato recognized superior women and advocated the equality of women, many scholars said that he did stressed the need for an overriding functional division of labour. Aristotle also provided his view about equality in his work. For Aristotle, equality meant the "same treatment of similar persons," that is, persons who had the same status. Aristotle was more concerned that those who were unequal should be treated differently. Moreover, According to Aristotle, the demand for equality on the part of those who are unequal or inferior leads to revolution.

1.2 Objectives:

a) To understand the nature of equality

b) To understand the events of unlawful discrimination

c) To understand how the principle of Equality has been enshrined in the Indian constitution.

d) To understand the principles of equality.

SAQ

What is the importance of equality in Indian democracy? (50 words)

……
……

What type of equality do we have in Indian society? (60 words)

……
……

1.3 Right to Equality in Indian Constitution:

The Right to Equality is one of the Fundamental Rights enshrined in the Constitution of India. The right to equality provides for the equal treatment of everyone before the law, prevents discrimination on various grounds, treats everybody as equals in matters of public employment, and abolishes untouchability, and abolishes titles. The constitution of India includes certain articles regarding the Right to Equality. These are as follows—

Article	**Brief Description**
Article 14	The State shall not deny to any person equality before the law or the

	equal protection of the laws within the territory of India.
Article 15	The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.
Article 16	There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
Article 17	Abolition of untouchability
Article 18	Abolition of all titles except military and academic

Stop to consider

Equality vs. Equity

Equality and equity are not the same things. The implementation of equality and equity can lead to different outcomes for marginalized people. Equality means each individual or group of people is given same resources or opportunities. Equity recognises that each person has different circumstances and allocates the extract resources and opportunities needed to reach an equal outcome. It can be mentioned here that the social systems aren't naturally inequitable — they've been intentionally designed to reward specific demographics for so long that the system's outcomes may appear unintentional but are actually rooted discriminatory practices and beliefs.

Paula Dressel defined that -- "The route to achieving equity will not be accomplished through treating everyone equally. It will be achieved by treating everyone justly according to their circumstances."

1.4 What is Right to Equality?

Democracy can only develop and flourish where the individuals in the society are treated equally and without any discrimination. Thus, this feeling led the framers of the Constitution to incorporate such provision to remove the hurdle of existing social and economic inequalities and enable the diverse communities of the country to enjoy the rights and liberties guaranteed under the constitution. It was believed to be essential to remove inequalities based on religion, social norms, age-old traditions practiced in parts of India, like untouchability, casteism, race discrimination, etc.

- The Right to equality means the absence of legal discrimination only on grounds of caste, race, religion, sex, and place of birth and ensures equal rights to all citizens.
- It is considered basic feature of the Indian Constitution.
- The Right to equality is both a positive equality as well as a negative right.

Right to equality can be both a positive right and a negative right. As a positive right it demands to be treated equally. As a negative right it prohibits unequal treatment.

1.4.1 Equality before the law (Article 14)

Article 14 treats all people the same in the eyes of the law.

- This provision states that all citizens will be treated equally before the law.
- The law of the country protects everybody equally.
- Under the same circumstances, the law will treat people in the same manner.

The principle of Article 14, 'equality before the law' to a large extent based on the concept of ***Rule of law*** as coined by **A. V. Dicey**. It states that all individuals, government and other institutions should obey and be governed by law and not by any arbitrary action by an individual or group of individuals. Whatever be the rank or position of a person, he should come under the jurisdiction of ordinary courts and not of any special courts. It also states that governmental decisions should be based on legal and moral principles embedded in the supreme law, in the case of India, the Indian Constitution. This theory of Dicey has three pillars, they are:

1.Supremacy of law

There should be an absence of arbitrary power and that no person should be punished except for a breach of law. An offense should be proved by the authorities of the country before the ordinary courts to punish him according to legal procedure.

2. Equality before law

All individuals, irrespective of their rank or position (poor or rich, officials or non-officials, etc.) should be subjected to ordinary law of land which is administered by ordinary courts. It seeks to ensure that law is administered and enforced in a just and fair manner. It has also been embedded in Preamble and Article 7 of the Universal Declaration of Human Rights. It implies 'law gives equal justice to all'.

3. The Predominance of legal spirit

Dicey believed that there should be an enforcing authority to enforce effectively the above two principles. According to him, such enforcing authority should be 'courts'.

1.4.2 Prohibition of discrimination (Article 15)

This article prohibits discrimination in any manner.

- No citizen shall, on grounds only of race, religion, caste, place of birth, sex or any of them, be subject to any liability, disability, restriction or condition with respect to:

a) Access to public places

b) Use of tanks, wells, Ghats, etc. that are maintained by the State or that are meant for the general public

The article also mentions that special provision can be made for women, children and the backward classes notwithstanding this article.

1.4.3 Equality of opportunity in matters of public employment (Article 16)

Article 16 provides equal employment opportunities in State service for all citizens.

- No citizen shall be discriminated against in matters of public employment or appointment on the grounds of race, religion, caste, sex, place of birth, descent or residence.
- Exceptions to this can be made for providing special provisions for the backward classes.

1.4.4 Abolition of untouchability (Article 17)

Article 17 prohibits the practice of untouchability.

- Untouchability is abolished in all forms.
- Any disability arising out of untouchability is made an offence.

1.4.5 Abolition of titles (Article 18)

Article 18 abolishes titles.

- The State shall not confer any titles except those which are academic or military titles.
- The article also prohibits citizens of India from accepting any titles from a foreign State.
- The article abolishes the titles that were awarded by the British such as Rai Bahadur, Khan Bahadur, etc.
- Awards like Padma Shri, Padma Bhushan, Padma Vibhushan, Bharat Ratna and military honours like Ashok Chakra, Param Vir Chakra do not belong to this category.

The right to equality and non-discrimination is a fundamental component of international human rights law. Under Article 16, exceptions to the right to equality of opportunity in matters of public employment are provided to protect the interests of the weaker and vulnerable sections of society such as women, children, the backward classes and minorities. The Parliament may also pass a law to the effect that a certain post be filled only by people residing in a certain area, to fulfil the conditions of the post that warrants the knowledge of the locality and the local language. The Article also mentions that there can be a law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution shall be a person professing a particular religion or belonging to a particular denomination. The Indian Constitution has granted the right to equality to all citizens. All are equal before the law and there can be no discrimination on the basis of religion, race, caste, gender, place of birth, etc.

Check your progress

1. Which Article in Indian Constitution defines equality and prohibits any kind of social discrimination?

2. Why universal adult franchise is important in a democracy?

3. What are the basic factors responsible for the continuance of discrimination in India? (30 words)

1.5 Principles of Equality:

a) Formal equality

b) Equality of opportunity

c) Equality of outcome

A) **Formal equality:** The earliest notion of equality may be called as Foundational equality. It means all men are equal because they share human essence. This basic idea of equality came out of Natural right theories that dominated political thought in 17th and 18th centuries. For example, The American Declaration of Independence, declares that "All men are created equal" and the French declaration of Man and Citizen states that, "Men are born and remain free and equal in rights." Foundational equality was not associated with the idea of equal opportunities and notion of equal wealth and social position. The idea that all human beings are possessors of equal right is the basis of what is usually called 'formal equality'. Formal equality is the principle of legal equality, or 'equality before law'. This holds that the law should treat each person as an individual, showing no regard to their social background, religion, race, colour, gender etc. The principle of Formal equality is negative. The task of formal equality is to eradicate the special privileges of feudal times. Its enemy was aristocratic privileges. Karl Marx examined this problem in his essay 'On the Jewish Question'. Marx advocated the idea of 'human emancipation'. Merely political emancipation is not enough like civil liberties, participation in political activity etc. Marx accepted that capitalism brought about a form of equality in the marketplace that judges people in terms of their market value. However, the existence of private property generates class differences which ensure that individuals have different market values.

That is why Marxists have portrayed legal equality as 'market' or 'bourgeois' equality, serving to exploitation and economic inequality.

B) **Equality of opportunity or Equal opportunity** is a state of fairness and justice in which individuals are treated similarly, unhampered by artificial barriers, prejudices, or preferences. Equal opportunity implies that the important jobs in an organization should go to the people who are most qualified , persons most likely to perform efficiently in a given task. Jobs should not go to persons for reasons deemed arbitrary or irrelevant, such as circumstances of birth, upbringing, having well-connected relatives or friends, religion, sex, ethnicity, race, caste, or involuntary personal attributes such as disability, age, gender identity, or sexual orientation.

Stop to consider

What is social equality?

Social equality seems to bear the foundational notions of equality, often underlying real life egalitarian movements. As Anderson highlights, it seems to capture the type of equality and the emphasis on a common humanity at the heart of actual political movements, better than a notion of equality of welfare or of resources. A theory of social equality is comparative, being concerned with the relationship between individuals and their relative positions in a status hierarchy, and it is unspecific. In other words it is not concerned with the actual level of benefits or welfare of those on the hierarchy. This could be contrasted to a notion of distributive equality. Social equality, expresses an ideal where people stand in equal relation to each other rather than being treated as better or worse, inferior or superior. There may be direct or indirect inequality. Direct inequality is an inequality of status which directly and unambiguously confers better status to some in comparison to others. On the other hand an indirect social inequality is foremost a difference or inequality of another kind in other words, not status inequality but which indicates or leads to a social inequality. Although social equality could have implications for resources or welfare, primarily it is not concerned with the actual levels of goods or wellbeing that those at the top or bottom of the hierarchy have, but rather the relationship they have with each other. Ultimately, social equality is likely to lead to higher levels of overall welfare or improved welfare for the worst off.

But in this context reference must be made to the term 'Natural inequality'. Natural inequality here may arise from personal talents, skills, hard work and so on, is considered to be either inevitable or 'morally right'. Mentioning about natural inequality, Margaret Thatcher describes it as the 'right to be unequal'.

C) The idea of equality of outcome is the most radical and controversial face of egalitarianism. Socialists, communists and some anarchists regard a high level of social equality as a fundamental goal, while conservatives and liberals believe it to be immoral or unnatural. A concern with 'outcomes' rather than 'opportunities' shifts attention away from the starting of life to its end results, from chances to its rewards. Equality of outcome implies that all runners finish the race in line together, regardless of their starting point and the speed at which they run. Thus equality of outcome describes a state in which all people have approximately the same material wealth and income, or in which the general economic conditions of everyone's lives are alike. Achieving equal results generally entails reducing or eliminating material inequalities between individuals or households in a society. It usually involves a transfer of income or wealth from wealthier to poorer individuals, or adopting other measures to promote equality of condition. Equality of outcome is often compared to related concepts of equality, particularly with equality of opportunity. Generally, most senses of the concept of equality are controversial and are seen differently by people having different political perspectives, but of all of the terms relating to equality, equality of outcome is the most controversial and contentious.

Check your progress

1. What is the position of equality in Indian democracy?
2. What do you mean by the term all people are equal before the law?
3. What do you mean by absolute equality?
4. What are the essentials of the positive aspect of equality?
5. What do you mean by natural inequality?
6. What do you mean by social and political inequality?

While understanding the issue of equality, a distinction must also be made between treating everyone in an identical manner and treating everyone as equal. Sometimes on some occasions people may need differential treatment but in all such cases the primary consideration should be to promote equality. Differential or special treatment may be considered to realise the goal of equality but it requires justification and it should be carefully applied. Since differential treatment for different communities was part and parcel of the caste system and practices like apartheid, liberals are usually very wary of deviations from the norm of identical treatment.

Stop to consider

What is political equality?

Political equality can be defined as, "equality of rights pertinent to the political sphere accorded to citizens on account of citizenship of a nation-state." It incorporates rights such as access to political offices to all, universal adult franchise, one man one vote and other civil liberties etc. The foundation of political equality is the belief that man is a rational being, because he has the capacity of political judgment notwithstanding distinctions between men and women. In the later phase political equality came to be identified more with democratic rights such as Freedom of Expression, the Right to Form Associations, to hold political opinion without any fear and other civil liberties. Political equality has been established in as much as Universal Adult

Franchise is taken into consideration. Article 326 of the Constitution deals with the provision thereof, and it states: The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage.

Indian constitution guarantees political equality to every citizen by stating that – "All citizens irrespective of birth, religion, sex, or race are equal before law, that is to say, there shall not be any arbitrary discrimination between one citizen or class of citizens and another." "All citizens shall, as human persons he held equal before law." All inhabitants of the republic are assured equality.

1.5 Equality and Indian democracy:

The Indian Constitution recognises every person as equal. This means that every individual in the country, including male and female persons from all castes, religions, tribes, educational and economic backgrounds are recognised as equal. This is not to say that inequality ceases to exist. It doesn't. But, in democratic India, the principle of the equality of all persons is recognised. Earlier no law existed to protect people from discrimination and ill-treatment, now there are several that work to see that people are treated with dignity and as equals. This recognition of equality includes some of the following provisions in the Constitution: first that every person is equal before the law, It means that every citizen in India has to obey the same laws. Second, no person can be discriminated against on the basis of their religion, race, and caste, place of birth or whether they are female or male. Third, every person has access to all public places including playgrounds, hotels, shops and markets. All persons can use publicly available wells, roads and bathing ghats. Fourth, untouchability has been abolished.

Government has tried to implement the notion of equality in India in several ways in the Constitutions. These are through laws and through government programmes or schemes to help disadvantaged communities. There are several laws in India that protect every person's right to be treated equally. In addition to laws, the government has also The Parliament is the cornerstone of our democracy and we are

represented in it through our elected representatives. Sustainable Development Goal (SDG) set up several schemes to improve the lives of communities and individuals who have been treated unequally for several centuries. These schemes are to ensure greater opportunity for people who have not had this in the past.

While talking about equality and steps taken by Govt. of India, reference can be made to the scheme of midday meal. This refers to the programme introduced in all government elementary schools to provide children with cooked lunch. Tamil Nadu was the first state in India to introduce this scheme, and in 2001, the Supreme Court asked all state governments to begin this programme in their schools within six months. This programme has had many positive effects. These include the fact that more poor children have begun enrolling and regularly attending school. Teachers reported that earlier children would often go home for lunch and then not return to school but now with the midday meal being provided in school, their attendance has improved. Their mothers, who earlier had to interrupt their work to feed their children at home during the day, now no longer need to do so. This programme has also helped reduce caste prejudices because children of all castes in the school eat this meal together, and in quite a few places, Dalit women have been employed to cook the meal. The midday meal programme also helps reduce the hunger of poor students who often come to school and cannot concentrate because their stomachs are empty.

While it is true that the midday meal programme has helped to increase the enrolment and attendance of poor children in school, there are still several differences in India between schools that the rich attend and those that the poor attend. Even today there are several schools in the country in which Dalit or lower caste children are discriminated against and treated unequally. These children are forced into unequal situations in which their dignity is not respected. This is because people refuse to think of them as equal even though the law requires it.

Dr. B.R Ambedkar, the father of Indian Constitution said

"It is disgraceful to live at the cost of one's self-respect. Self-respect is the most vital factor in life. Without it, man is a cipher. To live worthily with self-respect, one has to overcome difficulties. It is out of hard and ceaseless struggle alone that one derives strength, confidence and recognition. Man is mortal. Everyone has to die some day or the other. But one must resolve to lay down one's life in enriching the noble ideals of self-respect and in bettering one's human life... Nothing is more disgraceful for a brave man than to live life devoid of self-respect." – B.R. Ambedkar

Attitudes of people are still very much responsible for not able to establish proper equality in our country. One of the main reasons for this is that attitudes of people change very slowly. Although persons are aware of the fact that discrimination is against the law, they continue to treat people unequally on the basis of their caste, religion, disability, economic status and on the basis of gender. It is only when people begin to believe that no one is inferior, and that every person deserves to be treated with dignity, that present attitudes can change. Establishing equality in a democratic society is a continuous struggle and challenging task.

SAQ

1. How social equality is ensured in the Indian Constitution? (50 words)
   ……
   ……
2. How formal equality can be achieved? (50 words)
   ……
   ……
3. What is affirmative action? (60 words)
   ……
   ……

REFERENCES

1. Shashi Nath Saraswati (2002), Right to Equality in the Indian Constitution: A Gandhian Perspective, Concept publishing company.

2. Krishna Gupta (1996), Social Equality and the Indian Constitution, S. Chand and co.

3. Anandamoy Bhattacharjee (1997), Equality, Liberty & Property Under the Constitution of India, Eastern Law House.

4. Jayant Lakshmikant Aparaji (1992), Equality and Compensatory Discrimination Under the Indian Constitution, Dattsons

5. Granville Austin (1999), The Indian constitution: Cornerstone of A Nation, Oxford.

6. Harshit Rai (2019), Legal Reasoning in Equality Interpretation. An Analysis of the Indian Constitution, Grin Verlag

Unit 4: Secularism

1.1 Introduction

Secularism is a political philosophy that addresses the relationship between religion and the state. It advocates the separation of religion from the state. The basic argument of secularism is that, by separating religion from the state, it protects every person's freedom to choose what to believe or what not believe, within the law. The principle of secularism is incorporated in the promotion of democracy by maintaining national unity and integrity. After Independence, the Indian Constitution has worked to maintain national unity and social tolerance. The constitution embraces secularism with religious freedom. Secularism means that the state does not follow any particular religion. Religion means accepting personal matters and allowing them to behave according to their religion.

1.2 Concept of Indian Secularism

The Indian Constitution clearly mentions that the Indian State is to be secular. According to the Constitution, only a secular State can realise its objectives to ensure the following:

1. That one religious community does not dominate another,
2. That some members do not dominate other members of the same religious community,
3. That the State does not enforce any particular religion nor take away the religious freedom of individuals.

The Indian State works in various ways to prevent such kind of domination. At first, it uses a strategy of distancing itself from religion. The Indian State is not ruled by a religious group and nor does it support any one religion. In India, government spaces like law

courts, police stations, government schools and offices are not supposed to display or promote any one religion.

Mahatma Gandhi said "I do not expect India of my dreams to develop one religion, i.e., to be wholly Hindu or wholly Christian or wholly Mussalman, but I want it to be wholly tolerant, with its religions working side by side with one another". This model of secularism is adopted by western societies where the government is totally separate from religion. Indian philosophy of secularism is related to "Sarva Dharma Sambhava". It means that destination of the paths followed by all religions is the same, though the paths themselves may be different, which means equal respect to all religions. India does not have an official state religion. However, different personal laws - on matters such as marriage, divorce, inheritance, alimony varies with an individual's religion. Indian secularism is not an end in itself but a means to address religious plurality and sought to achieve peaceful coexistence of different religions.

In the original constitution, the word secularism was not mentioned. But the philosophy of the Indian Constitution was secular. This means that every religion is given equal status in India and no particular religion is considered as the religion of the state in India. However, in 1974, the amendment to the Constitution included the term secular. The principle of secularism is incorporated in the promotion of democracy by maintaining national unity and integrity. There are many provisions included in the constitution of India which promote the notion of secularism. Section 15 says that state shall not discriminate against any citizen on account of religion, race, caste, gender, place of birth. Article 25 gives the right to freedom of religion. Every citizen of India has full right to practice his religion and promote and spread his religion. But in public life, discrimination between citizens cannot be made on the basis of religion. Section 28 does not provide religious education to any educational institute run by state funds. According to Article 30, all the minorities are given the right to establish educational institutions of their choice according to the criteria of religion and language.

All these provisions of the Constitution do not allow any religion to interfere with the rule of the people in spite of the fact that people of different religions live in India. From time to time, the Supreme Court has stated that secularism is the fundamental part of Indian society and cannot be changed in any way. In Kesavananda Bharati v. State of Kerala case, the Constitutional Bench of the Hon. Supreme Court gave this judgement that secularism was a part of the basic structure of the Constitution.

India has inherited multiculturalism since ancient times. There are many religions and cultures in India. Due to multiculturalism, India has a unique identity in the world. To create a nation, there must be one language, one culture, one history and one religion. But in India this is an exception. In India, people of different religions, different cultures live together. Still India remains as a nation. In India, along with multiculturalism, social tolerance is the backbone of the society. Even though people behave according to their religion and culture, the religion and culture of each other is respected. In India, everyone has the right to spread and promote religion and culture. Indian society cannot be considered except religion, because religion has become an integral part of Indian society. After Independence, the Indian Constitution has worked to maintain national unity and social tolerance by keeping this pluralistic society. Therefore the constitution embraces secularism with religious freedom. In personal life, people will have religious freedom but religion cannot be used in public life. Therefore, the integrity of Indian society remains as it is.

Secularism means that the state does not give shelter to any particular religion. Religion means accepting personal matters and allowing them to behave according to their religion. Secularism implies that political system will not be governed by religion. Citizens of different faiths may be living in the states. Every citizen can live life freely according to his or her religion. This is the meaning of secularism.

SAQ

1. What do you mean by Secularism? (50 words)
   ……
   ……
2. How the secularism promotes justice and equality? (50 words)
   ……
   ……

1.3 INDIAN CONSTITUTION AND SECULARISM:

In the original constitution, the word secularism was not mentioned. Yet the philosophy of the Indian Constitution was secular. From the standpoint of the state, all religions will be the same. In the Indian Constitution, secularism is not based on atheism. Despite acknowledging the existence of religion, a secular society has been created on the basis of religious tolerance and bigotry. For this, provisions have been made in different parts of the Indian Constitution. It is mentioned in the preamble of the Indian Constitution, "We the people of India ...". The key feature of secularism is found in this sentence. No particular religion has a place in this sentence. However, in 1974, the amendment to the Constitution included the term secular. This does not mean that India was not a secular state before 1974. Although the term secularism is not mentioned, India was a secular state under the constitution. This is evident from the different provisions of the Constitution and the decisions of the courts.

India has been declared a secular state by its written constitution and it is every Indians duty to stand by and believe in this declaration. There e is a clear incorporation of all the basic principles of secularism into various provisions of constitution. These are mentioned below-

a) Article 14 grants equality before the law and equal protection of the laws to all.
b) Article 15 enlarges the concept of secularism to the widest possible extent by prohibiting discrimination on grounds of religion, race, caste, sex or place of birth.
c) Article 16 (1) guarantees equality of opportunity to all citizens in matters of public employment and reiterates that there would be no discrimination on the basis of religion, race, caste, sex, descent, place of birth and residence.
d) Article 25 provides 'Freedom of Conscience', that is, all persons are equally entitled to freedom of conscience and the right to freely profess, practise and propagate religion.
e) Article 26, every religious group or individual has the right to establish and maintain institutions for religious and charitable purposes and to manage its own affairs in matters of religion.
f) As per Article 27, the state shall not compel any citizen to pay any taxes for the promotion or maintenance of any particular religion or religious institution.
g) Article 28 allows educational institutions maintained by different religious groups to impart religious instruction.
h) Article 29 and Article 30 provides cultural and educational rights to the minorities.
i) Article 51A i.e. Fundamental Duties obliges all the citizens to promote harmony and the spirit of common brotherhood and to value and preserve the rich heritage of our composite culture.

The principle of secularism is incorporated in the promotion of democracy by maintaining national unity and integrity. Further provisions are found in the Constitution for the formation of secular societies. According to Article 15 there shall not be any discrimination against any citizen on account of religion, race, caste, gender, place of birth. Article 25 gives the right to freedom of religion. Every citizen of India has full right to practice his religion and promote and spread his religion. But in public life, discrimination between citizens cannot be

made on the basis of religion. Article 28 says that it does not provide religious education to any educational institute run by state funds. According to Article 30, all the minorities are given the right to establish educational institutions of their choice according to the criteria of religion and language.

The Supreme Court of India expressed its views on the Secular nature of the Constitution for the first time in Sardar Syedna Taher Saifuddin Saheb v. State of Bombey where it was held that: “Article 25, and 26 embody the principle of religious feature of Indian civilization from the start of history. In M.H. Quareshi v. State of Bihar this case known as Quareshi Cow-Slaughter case, the Supreme Court held that the State shall banning the cow slaughter did not violate the religious rights of Muslims. In Kesavananda Bharati v. State of Kerala, the Constitutional Bench of the Hon. Supreme Court reiterated that „liberty of thought, expression, belief, faith, and worship as a part of the basic structure of the Constitution. Now secularism is a part of basic structure. This view crystallized in the landmark case of S.R. Bommai v. Union of India. However, within a year the Hon. Supreme Court in Ismael Faruqui v. Union of India (also known as Ayodhya Acquisition Case) started diluting the active, positive concept of secularism based on scientific thinking. It was held that the Preamble of the Constitution and particularly the Article 25 to 30, emphasize the guarantee of equality in the matter of religion to all individuals and groups irrespective of their faith emphasizing that there is no religion of State itself. Subsequently, in the infamous Ram Janambhoomi case, the Supreme Court justified its concept of secularism by quoting extensively from Indian scriptures to justify its concept of secularism: 'Sarwa Dharma Sambhava', i.e., tolerance of all religions. The Supreme Court seemed to have rejected the western concept of secularism based on separation of the Church and the State as explained in the earlier verdict of S.R. Bommai and went back to equating secularism with tolerance. . In Arunaroy v. Union of India the court observed that the essence of secularism is non-discrimination of the people by the state on the basis of religious differences.

Check your progress

1. Write some basic features of a secular state.
2. What should be the ultimate aim of Secularism? What is the Indian View of Secularism?
3. What are the common features of Western View and Indian View of Secularism?
4. Write in brief the views of Pt. Jawaharlal Nehru on Secularism

1.4 NEED OF SECULARISM IN INDIA:

Secularism has no alternative option in a multicultural nation like India, therefore, the Indian Constitution adopted secularism. People of different languages and religions live in Indian Union. Therefore secularism is required to keep them together. Therefore, with the right to freedom, it was necessary to accept secularism. But most of the time the minority communities suffer injustice and oppression although there is an attempt to bring unity in diversity in India. Of course, even after the formation of a secular state, the spirit of nationalism could not be created. Awareness of social intolerance among minorities is a threat to national integration. There is a need for secularism to develop a sense of nationalism among the minority groups in the country. Although India has adopted the concept of secular state, in fact religion has been politicized. Therefore, the principle of secularism is suffering because of increasing communalism. Communalism is anti-democratic, so the concept of secularism needs to be rooted in the promotion of democratic values. In a pluralistic society like India, politics based on religion is detrimental to national integrity. Therefore, in order to build a strong democracy, the values of

secularism must be respected in the society while respecting religious values.

Stop to consider

Secularism and its reality in India

Secularism is meaningful in a democratic country only when there is a core principle of equality. If there is no commitment towards equality, then there will be no commitment towards democracy. India is a secular state, and a secular State never favours any religion. Instead, it protects and preserves innate pluralism. Therefore, question may arise regarding the inclusion of special provisions in Articles29 (Articles 29(1) &29(2)) and 30 (Article 30(1)) of the Constitution to protect the language script and culture of minorities. It is said that India has been a secular State even before 1976(before adding the word secular in Preamble). Therefore it can be questioned that what was the necessity to bring 42ndConstitutional (Amendment) Act, 1976 and insert the word 'secular' in Preamble. That is why the 42nd Amendment of the Constitution took place is a matter of debate because, at that very time, many opposition leaders were either in jail or underground, and the strength of opposition members in the Parliament was very few because of national emergency. It would have been better to clarify the meaning of secularism rather than inserting the word secular in the Preamble through this Amendment.

Another debatable point regarding secularism is that if a secular State is completely separated from religion and the law of such a country is also secular, then why are there different personal laws in the country. The Constitution of India prohibits using taxes for religious purposes, (Article 27) but for looking after the welfare of minorities, the Ministry of Minority Affairs has been created, which brings various schemes to provide financial assistance for minority religions.

1.5 CHALLENGES and THREATS TO SECULARISM:

India doesn't have any official religion. However, religion was adopted as an integral part of Indian social life, along with freedom of religion and secularism. Increasing interference of religion in politics is a major challenge faced by a secular state. Most of the time it can also be seen that the candidates are selected for elections on the basis

of religion. Even sometimes people cast their votes being guided by religious sentiments. Therefore, the right people do not get elected. There are minority communities such as Muslims, Christians, Sikhs living with Hindu majority. Everyone has the right to spread and promote his or her religion. Despite this, the feelings of insecurity in religious minorities still do not seem to diminish. This makes it difficult to create a secular society. India's growing racism is one of the major challenges facing the secular society. Unless all the communities of the country come together tighter with national spirit, a secular society is not possible.

Communal politics operates through communalization of social space, by spreading myths and stereotypes against minorities. It attacks on rational values and by practicing a divisive ideological propaganda and politics. Apart from this, Politicisation of any one religious group leads to the competitive politicisation of other groups, thereby resulting in inter-religious conflict. In this context it can be said that one of the manifestations of communalism is communal riots. In recent past also, communalism has proved to be a great threat to the secular fabric of Indian polity. Rise of Hindu Nationalism in recent years have also resulted into mob lynching on mere suspicion of slaughtering cows and consuming beef. In addition with this, forced closure of slaughterhouses, campaigns against 'love jihad', reconversion or ghar-wapsi (Muslims being forced to convert to Hinduism), etc. reinforces communal tendencies in society. Islamic fundamentalism or revivalism pushes for establishing Islamic State based which directly comes into conflict with conceptions of the secular and democratic state. In recent years there have been stray incidences of Muslim youth being inspired and radicalized by groups like ISIS which is very unfortunate for both India and world.

1.6 Criticism of Indian Secularism:
1.6.1 Anti-religious

Secularism is against institutionalised religious domination. This is not the same as being anti-religious. Similarly, it has been argued by some that secularism threatens religious identity. However, the fact is that secularism promotes religious freedom and equality. Hence, it clearly protects religious identity rather than threatens it. Of course, it does undermine some forms of religious identity: those, which are dogmatic, violent, fanatical, exclusivist and those, which foster hatred of other religions.

1.6.2 Western import

Another criticism is that secularism is linked to Christianity that it is western and, therefore, it is not suitable to Indian conditions. The more important and relevant point is that for a state to be truly secular, it must have ends of its own. Western states became secular when, at an important level, they challenged the control of established religious authority over social and political life. The mutual exclusion of religion and state, which is supposed to be the ideal of western secular societies, is also not the defining feature of all secular states. The idea of separation can be interpreted differently by different societies. A secular state may keep a principled distance from religion to promote peace between communities and it may also intervene to protect the rights of specific communities. This exactly is what has happened in India. India evolved a variant of secularism that is not just an implant from the west on Indian soil. The fact is that the secularism has both western and non-western origins. In the west, it was the Church-state separation which was central and in countries such as India, the idea of peaceful coexistence of different religious communities has been important.

Stop to consider

Dynamism and dilemmas

In Indian polity, the term secular had no relevance for the purposes of the interpretation of the Constitution and laws. Actually, while the word' 'secularism' is rather vague and was introduced by the 42nd Amendment, Articles 25 to 30 of the constitution relating to the freedom of religion and freedom to manage religious affairs are more specific. The ideals of secular state have clearly been embodied under the Indian constitution and the provisions are being implemented in substantial measure. But the circumstances after independence have posed a challenge before secularism of India for a number of times. It can be stated that the overall environment around do not certify the theme of secularism and when one tries to examine the working of various nongovernmental institutions, the various political parties, especially national ones, which are supposed to have thrown their membership open to all communities. The Indians are not completely secular in their approach and attitudes. People of the country must develop a consensual framework that is based on mutual respect and common principles, not separate beliefs protected by law. The evolution of and adherence to such predetermined but definable principles of state and individual value based behaviour is essential if secularism is to become a universalist social and community ideology and not a purely political instrument of societal regulation within the contemporary Indian scenario.

1.6.3 Vote bank politics

There is an argument that secularism encourages the politics of vote banks. In a democracy politicians are bound to seek votes. In India also the case is same. That is part of their job and that is what democratic politics is largely about. To blame a politician for pursuing a group of people or promising to initiate a policy with the motivation to secure their votes is unfair. But the real question is what precisely the vote is sought for. If it is to promote solely his self-interest or power or it is also for the welfare of the group in question that matters. If the group which voted for the politician does not get any benefit

from this act, then surely the politician must be blamed. If secular politicians who sought the votes of minorities also manage to give them what they want, then this is a success of the secular project which aims, after all, to also protect the interests of the minorities.

Check your progress

1. Discuss the impact of Western Liberalism on Indian secularism. (60 words)
2. How far it is correct to say that Indian secularism is anti-religious? (30 words)
3. Explain the essential elements of a secular state. (50 words)
4. Discuss India as a secular state. (50 words)
5. What are the merits of secularism?
6. What makes Indian secularism distinctive?

1.7 CONCLUSION:

Scientific approaches to the practice of secularism and deliberate and planned efforts are required to establish equitable and social justice in life. The Constitution has given the right to freedom of religion and this is indisputable. The majority of people in India believe in religion. Many believe that every scripture has a humanitarian doctrine. It is important to understand all religions respectfully, independently and by combining the complementary parts of modernity with the curriculum and to bring it into the school curriculum. By doing so, all can understand all religions and the right to freedom of religion can be consciously and rightly implemented. This will not prevent isolation, alienation or polarization and will help in religious harmony.

The scientific view is an integral part of secularism. This includes your directive principle and the basic duties of citizens. Both religion and

politics must be different, and if that happens, the true meaning of secularism is that religion should be excluded from public life. The state has no religion officially. In India, majority of the people believe the religion and humanitarian preaching is the base of all scriptures. It all the values of religious books brought into the curriculum of schools, it can become supportive to create a secular society. Political system cannot make discrimination among the religion, it has the same respect for all religion, so welfare programmes for all religions can be implemented at a strategic level.

References:

1. Shabnum Tejani (2011), Indian Secularism, Orient Blackswan Private Limited - New Delhi.
2. Andrew Copson (2019), Secularism: A short introduction, Oxford UP.
3. C.S.H.N Murthy, Secularism and the Indian press, Kanishka publishing house.
4. Sita Ram Goel &Yashpal Sharma (2000), India's Secularism: New name for National Subversion, Voice of India.
5. Sailen Debnath (2010), Secularism: Western and Indian, Atlantic Publishers & Distributors Pvt Ltd.
6. Uday Mehta & Ram Puniyani (2017), Secularism in India: Concept and Practice, Kalpaz publication
7. Sudha Sitharaman & Anindita Chakrabarty, Religion and Secularities: Reconfiguring Islam in contemporary India, Orient blackswan pvt. Ltd.
8. V. Ragupathy & Vasundara Mohan (2013), Secularism and Pluralistic Democracy in India, Concept publishing company.
9. Arjobananda Swamy (2018), Hinduism, Secularism and Islam, Notion press media pvt. Ltd.

Unit 5 : Social Justice

Unit Structure :

5.1 Introduction
5.2 Objectives
5.3 Meaning of Social Justice
5.4 Social Justice in India
    5.4.1 Class and Social Justice
    5.4.2 Caste and Social Justice
    5.4.3 Gender and Social Justice
5.5 Constitutional and Legal Provisions for Social Justice
    5.5.1 Constitutional Provisions
    5.5.2 Legal Provisions
    5.5.3 Reservation Policy
5.6 Summing Up
5.7 Reference and Suggested Readings

5.1 Introduction

The concept of Social Justice broadens the field of justice by asserting that that justice is not restricted only to the field of law. It connotes that every individual in the society deserves equal economic, political and social rights and opportunities. There are some important principles of social justice. They are-----access to resources, equity, participation, diversity and human rights. Thus, social justice is a broad concept which signifies justice in all aspects of society.

Social justice is mostly concerned with human rights. However, social justice not only stands for securing rights but also about our responsibilities. United Nations defines social justice as an underlying principle for peaceful and prosperous co-existence within and among nations". Again, the concept of social justice is also associated with social equality and social rights. Social justice can be achieved only when there is no exploitation of man by man. The pre-requisite of social justice is a situation where privileges of the few are not built upon the miseries of majority. In this unit we shall make an attempt to discuss the concept of social justice in India.

5.2 Objectives:

Social justice can be achieved when barriers related to age, gender, race, ethnicity, religion, culture and disability are removed in all the nations of the world. The United Nations has declared February 20 as

United Nations World Day of Justice and thereby emphasized on the importance of providing justice in different areas to all the human beings of the world. The concept of social justice is also related to Rawlsian theory of justice which provide for difference principle. The difference principle speaks about bringing greatest benefit to the least advantaged.

After reading this unit you will be able to:

- Analyse the provisions of Social Justice in the Indian Constitution
- Examine the practice of Social Justice in a class-ridden society of India
- Critically discuss social justice in India

5.3 Meaning of Social Justice:

The concept of social justice opposes the fault in the existing social order, oppressive and exploitative social conditions. You should remember here that justice is not defined by the outcome but by the fairness of the process leading to that outcome. The term 'social justice' is used more comprehensively so as to include economic justice and also to restore the dignity of human beings who lost it due to lower economic, educational and cultural status. Social justice refers to the elimination of all kinds of discrimination and privileges on the grounds of birth, race, caste, sex etc. In the positive sense, social justice implies providing various social opportunities to all the members of a society for their proper development. It emphasizes establishing social equality and social mobility.

From the above, we can say that the concept of social justice is closely related with political and economic justice as these two provide the ground for the enjoyment of social justice. It needs mentioning here that social justice suggests benefits of economic justice and thus it is more economic in nature. Social justice is mainly concerned about the inclusion of the down-trodden. In a broad sense, 'social justice' is used to comprehend all three types of justice in the society --- social, economic and political. However, social justice mainly emphasizes the economic aspect because economic disparities affect the foundations of legal and political justice. It tries to ensure that material and moral benefits of social planning are not appropriated by a small section and percolates down to the lower, weaker and under-privileged classes of the society.

Here, you must know that there is a clear distinction between legal and social justice. While legal justice stands for the punishment of wrong-

doing and the compensation of injury through the creation and enforcement of public set of rules, social justice stands for distribution of benefits and burdens throughout the society. Legal justice has two aspects. The first aspect covers the conditions under which punishment, according to the nature of the crime, and in the sphere of civic law, adjusts the amount of restitution that is made for injuries. Secondly, it establishes procedures for applying the law namely the principles of a fair trial, rights of appeal and the like. Social justice, on the other hand, deals with matters like regulation of wages and profits, the protection of individual's rights through the legal system, the allocation of housing, medicines, and welfare benefits.

Stop to consider :

Justice and Equality: The concept of justice is closely associated with the concept of equality. In modern period, there is equality before law in almost all countries which shows close relationship between justice and equality. Justice demands that all individuals should be treated as equals. But equality is not the final principle of justice. Equality, which generally means absence of discrimination not necessarily, leads to justice. The struggle for equality starts when there is a feeling that prevailing inequality is unjust and based on exploitation

5.4 Social Justice in India:

By now we all have understood the concept of Social Justice. Social justice involve establishment of an egalitarian social order where there was no discrimination among individuals on the basis of caste, religion, sex or place of birth. This concept becomes more relevant in a heterogeneous society like India. We all are aware that Indian society is divided on many artificial grounds like race, caste, religions etc. Moreover, there are issues of gender, ethnicity, and linguistic differences which further divide societies into majority and minority. Therefore, In India inequalities exist in different forms. Besides economic inequalities, there are inequalities in terms of social groups and gender. In such a situation, there is every possibility that one or two groups dominate others by curbing their rights---social, political or economical. These divisions of the society into different groups have already led to conflicts among groups and resulted in the existences of many evils. The minority categories tend to suffer from discrimination in different spheres. While discussing Social justice in India we must remember that Indian society is stratified into different castes and communities. Moreover, like most of the developing countries, India also witnesses gender related differences. Hence, in this unit, we make

an attempt to discuss social justice in India from the perspective of caste and class on the one hand and gender on the other.

5.4.2 Class and Social Justice

We have already learnt that social justice involves ordering of the society in such a way that the material and moral benefits of society are enjoyed by each and everyone. We all are aware of the plight of economically backward classes in the society. Social Justice mainly emphasizes upon providing opportunities to weaker and under-privileged sections so that they can uplift themselves.

From the economic point of view we have observed that development in India has, by and large, been incremental, uneven, and slow. India's policies for dealing with the economically poor and the marginalized have not been fully successful. Therefore in the economic front, it is often said that there are two Indias within India. The World Inequality Report 2022, term India as a poor and very unequal country with an affluent elite where 57 percent of the total national income rests with 10 percent population. It must be noted that economic differences has also linkages with the caste system of India. The economically poorer sections find it difficult to compete in the educational sector and job market. Moreover, India being a developing country, the poor are often deprived of the basic amenities of life. Despite, constitutional and legal provisions the lower castes known as dalits or untouchables still experience segregation from other castes in many aspects of society including education, healthcare and worship. Quality of life for a sizeable number of Indians remains unsatisfactory. All the disadvantages are concentrated in the poor, as they are the most illiterate, the least healthy, the most mal- nourished, the least secure, and without an effective voice. Vulnerable groups, especially those that have suffered historic discrimination, have received less than their fair share of the benefits of development. To a great extent, modern development has bypassed these socially and politically disadvantaged groups. These inequalities are visible across states, between rural and urban areas, within communities, and most significantly between women and men

The problem of poverty and unequal distribution of wealth may be confined to the bigger cities and towns in India but the problem accentuated by the vice of social inequality existing in a gross form prevails in all of our villages. For instance, the harijans constitute a large class of landless labourers who are treated as untouchables by the rest of the community, who have no house to live in, generally no clothes to wear, who do not get food to eat & sometimes even decent drinking water is beyond their reach. The poor also have no access to legal assistance. Poor people are vulnerable to injustice. Poverty

fosters frustration, ill feeling and a brooding sense of injustice (Yadav, 2014)

Hence, we can say poverty is linked with social inequality which in turn has close connection with backward classes as well as backward castes in Indian society. In such a backdrop it is of utmost importance to make provision for social justice which can also address the question of economic justice.

5.4.2 Caste and Social Justice

We all know that the caste system is a peculiar feature of Indian society which is based on occupations. However, it has acquired a hereditary character in a later stage. These caste divisions became so acute that it is almost impossible for a person to come out of one's caste in his lifetime. Besides hereditary and hierarchical principles, caste system has got some other characteristics too. These are ---- endogamy, restrictions on food and drink, cultural differences etc. The concept of purity and pollution is also associated with the caste system. Taboo is another characteristic of caste. Thus, caste system has brought clear divisions in Indian society which became difficult to bridge. The occupations were ranked in a hierarchical way which leads to hierarchical social status. The rigidity and immobile character of the caste system does not allow any person to change his social status in his lifetime. Therefore, people of the lower strata find it difficult to enjoy equality of opportunity in the society. Such system has led to illiteracy, poverty, joblessness and marginalization of a huge number of lower caste people of India.

The spread of western education during colonial period brought awareness regarding many evil practices and inequalities that existed in Indian society. During the freedom movement, leaders like Gandhi, Ambedkar fought for establishing an egalitarian society in India. These visionaries realized that only throwing away of British Rule and establishing the Rule by Indians would not bring solutions to many of the problems existing in India. Therefore, many social reformers like Gandhi, Ambedkar fought for the rights of the backward communities and worked for their upliftment. However, in Indian society caste system is deeply rooted. Despite having constitutional and legal provisions against it, the caste system is still practiced widely in India.

5.4.3 : Gender and Social Justice:

So far we have discussed the differences existing in India in terms of rich and poor as well as castes and communities. However, we must know that disparity does not only exist between the rich and the poor. Another major category of society that becomes the victims of

discrimination from cradle to grave is woman. Gender discrimination "begins with declining sex ratio and goes on to literacy differentials between girls and boys".

Though gender discrimination usually means unequal treatment of an individual or group of individuals based on gender, in most of the cases, gender discrimination talks about disadvantageous treatment towards the female population. In India also such discrimination has been widely practiced. Such discriminations are visible in the areas of Literacy, higher education, professional Jobs, equal Pay and Wages. Thus, discriminations are visible in social, political and economic life. Many factors are responsible for such gender discrimination in Indian society. They are:

- Social norms, customs, beliefs
- Poverty
- Patriarchal set up of the society
- Illiteracy
- Lack of awareness among woman etc.

Again, discriminations meted out to woman are of various types. There may be Direct or indirect discrimination in different areas. Sometimes they are harassed and victimized also.

Need of the hour is to bring awareness among woman and spread modern education to them. To quote the first Prime Minister of India Pt. J. Nehru, "To awaken the people, it is the women who must be awakened. Once she is on the move, the family moves, the village moves, the nation moves." Only gender equality can facilitate women empowerment.

Stop to Consider:

Development of Justice: The concept of justice has been discussed in different ways. It is said that the Greeks were the first to discuss the concept of justice. Both Plato and Aristotle consider justice as an essential virtue of human beings living together in communities, in villages, cities or nation states. Greek philosopher Socrates believes that justice is preferable to injustice. A just person limits his desires as dissatisfaction leads to unhappiness. He further believes that an unjust person lacks psychological peace. Socrates, thus, rejects the idea of justice as mere convention. Plato's justice is concerned with distribution of responsibilities in accordance to abilities. His view on justice does not take into consideration the distribution of wealth in the society. He does not consider justice as equality. According to him, justice is the virtue to be cultivated by the society through subordination of the irrational masses of producers to the brave class of warriors and the rational class of philosopher kings.

Aristotle consider notion of justice as a state of character, a cultivated set of dispositions, attitudes and good habits. It is concerned with good judgement and a sense of fairness. Thus, Plato and Aristotle have discussed justice as an all-encompassing political virtue to establish a good and just society. In the medieval period, justice is associated with order. According to the Romans, positive laws conforming to higher laws are a perfect justice and right.

The liberal view of justice, on the other hand lays greater stress on its legal and political aspects. According to them, the rule of law is the first condition of justice.
In ancient Hindu thought, justice is related with 'dharma' meaning what is right. At the same time it also denotes the duty of an individual. In traditional Hindu society dharma is derived from the caste of his birth.
On the other hand, Social contract theorist Hobbes believes that 'just' and 'unjust' gain meaning in relation to law and law is the command of the sovereign. Utilitarianism has defended liberal justice by deriving justice from the conceptions of social utility. Mill provides the best known defense of utilitarian approach by surveying various types of actions and situations described as just and unjust. Rawls considers justice as the first virtue of social institutions. He also believes that the existing societies are seldom well-ordered as there usually exists a dispute regarding justice and injustice.
Thus, we can see that the modern concept of justice is different from the traditional concept. The traditional concept of justice is mainly concerned with moral and ethical aspects and therefore with certain virtues relating to morality. On the other hand, modern concept of justice emphasizes the realization of certain human values. . It is mainly concerned with social justice. Justice is closely associated with respect for rights of the individuals.

Check your Progress 1:

1. Explain the meaning of Social Justice.
2. Write a short note on Social Justice in India.
3. What are the major factors responsible for gender discrimination in India?

5.5 Constitutional and Legal Provisions for Social Justice:

We all know that Indian Constitution strives to establish a Welfare State in India. The idea of welfare state emphasises on providing social justice to all the citizen of the state. It was also realized that

Social justice must be achieved by adopting necessary and reasonable measures. The Preamble to the constitution of India also assures to all citizens Liberty of status and of opportunity, and promotion among them all; Fraternity assuring the dignity and the unity of the nation. The spirit represented in the Preamble is further enshrined in the chapter of Fundamental Rights and Directive Principles of State Policy, the purpose of which is to promote the social welfare of the by securing and protecting as effectively as it may social order in which justice- social, economic and political shall inform to all the institution of national life. The 42nd Amendment Act by introducing the word "Socialist" in the preamble has strengthened the constitutional ethos of social and economies justice. In this section we shall try to discuss various articles of the constitution for securing social justice, the Laws and Acts as well as policy of reservation made for securing social justice in India.

5.5.1 Constitutional Provisions:

The constitution of India recognizes and seeks to realize the various components of social justice. Different provisions of Indian constitution for establishing Social Justice in India are----

- Article 14 guarantees to every person "equality before law or equal protection of the laws within the territory of India".
- Article 15(1) prohibits discrimination against any citizen on grounds of religion, race, caste, and place of birth or any of them.
- Article 15 (2) declares that no citizen shall be subjected to any disability, restriction or condition on grounds only of religion, race, caste, place of birth or any of them with regard to (a) access to shops, public restaurants, hotels and places of public entertainment, or (b) the use of wells, tanks, baths, roads and places of public resort, maintained wholly or partly out of State funds or dedicated to the use of the general public

- In the same view Article 16(1) provide equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.
- 1 6 (4) empowers the State to make special provision for the reservation appointments of posts in favour of any backward class of citizens, which in the opinion of the State are not adequately represented.
- By Article 17 "untouchability" the age-old practice has been done away all its manifestations. The enforcement of any disability arising out of untouchability has been declared an offence in accordance with law.

- Article 19 enshrines the fundamental rights of the citizens of this country. The seven sub-clauses of Article 19(1) guarantee the citizens seven different kinds of freedom and recognize them as their fundamental rights. Article 19 considered as a whole furnishes a very satisfactory and rational basis for adjusting the claims of individual rights of freedom and the claims of public good.
- Articles 23 and 24 provide for fundamental rights against exploitation. Article 24, in particular, prohibits an employer from employing a child below the age of 14 years in any factory or mine or in any other hazardous employment.
- Article 31 makes a specific provision in regard to the fundamental right to property and deals with the vexed problem of compulsory acquisition of property.
- Article 38 requires that the state should make an effort to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice social, economic and political shall inform all the institutions of national life.
- Article 39 clause (a) says that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular provide free legal aid, by suitable legislation or schemes, or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
- Article 41 recognizes every citizen's right to work, to education & to public assistance in cases of unemployment, old age, sickness & disablement and in other cases of undeserved want
- Article 42 stresses the importance of securing just and humane conditions of work & for maternity relief.
- Article 43 holds before the working population the ideal of the living wage

- Article 46 constitutes the heart and soul of social justice. It provides that the state shall promote with special care the educational and economic interests of the weaker sections of the society, and in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. The interests of weaker sections of society are further safeguarded Scheduled Castes and Scheduled Tribes shall be maintenance of efficiency of administration, in connection with the affairs

Stop to Consider:
Types of Justice:
Justice can be of different types. Legal justice is mainly concerned with the process of law making and the judicial system. Under this

system every individual is entitled to equal protection of laws and impartial justice.

- The term 'legal justice' has two aspects ----- firstly, justice according to law and secondly, law according to justice. The first aspect examines the principles of administration of justice according to the prevalent law without questioning the validity of law. On the other hand, the second aspect examines the substance of the law itself to ensure that it conforms to the requirements of justice. Barker has viewed legal justice as laws according to justice. He has distinguished between 'positive law' and 'natural law'. Positive law denotes a particular law,i.e. the law defined and declared by each community for its own members; on the other hand, natural law is a universal law which is applicable to all times and for all human beings. However, justice in the legal sphere consists not only in an efficient administration of law, but at the same time it should embody human values according to the prevailing social norms and conditions. The legal dimension of justice also implies adherence to a set of declared rules.
- Political justice is mainly concerned with the actual politics through which the political process attains the principle of justice. It refers to the establishment of democratic institutions in the political life of the community where the interests of all individuals can be taken care of. The legal dimension of justice mainly deals with the role of legal structures like the parliament, the constitution, courts etc. Political justice supports the representative institutions, viz, the legislature and executive constituted on the principle of Universal Adult Franchise. It further stands for independence of the judiciary. Thus, it emphasizes the principle of 'rule of law' and opposes arbitrariness of the government. Hence, we can say that a constitutional government is an ingredient of political justice. In a comprehensive sense, the term political justice denotes restructuring of the entire fabric of social, economic, and political relations. The liberals consider political justice as a means to enjoy right to vote and equal share in government services.
- Socio-Economic Justice: The term 'socio-economic justice' combines two important elements: 'social justice' and 'economic justice', The term 'economic justice' may be used in the restricted sense or reordering human relations in the economic sphere e.g., relations between employer and worker, between trader and consumer, between landlord and tenant, between moneylender

and borrower, etc. so as to eliminate exploitation of the vulnerable sections of society. Economic justice has been interpreted in different ways by the Liberals and the Marxists. The liberals view economic justice as the satisfaction of all economic needs of the people in a society. For that they advocate free market and free competition. Contrary to this, the Marxists believe that economic justice can be established only in a classless society. On the other hand, the term 'social justice' is used more comprehensively so as to include economic justice and also to restore the dignity of human beings who lost it due to lower economic, educational and cultural status.

5.5.2: Legal Provisions:

The State and the judiciary plays a pivotal role in ensuring justice to its people. The role of the state is significant as by formulating different policies it can check the evil practices and establish equality in Indian society. To establish an egalitarian society, several steps were taken in the colonial period itself. For example, the Bengal Sati Regulation or declaration XVII under East India Company Rule banned Sati System in all jurisdictions of British India in 1829. In the later part of the 19th century, steps are taken to provide legal opportunities for inter-community and inter-caste marriages. In 1929, the Sarada Act is passed to abolish child marriage.

In the post-independence period, India resolves to constitute a democratic, sovereign, secular and socialist society. In the constitution, special provisions are made to safeguard the interests of the Scheduled Castes, Scheduled Tribes, Backward classes, women and children.

Again, the Indian Constitution has declared the practice of untouchability an offence. Some special measures-such as the Hindu Marriage Act and Succession Act are adopted to reform the Hindu society in general and the Hindu marriage system in particular. The welfare programmes have been launched for the upliftment of the youth, children, and physically handicapped. The Five Year Plans are launched for the socio-economic transformation of Indian society. After 1970, special attention is paid towards the removal of poverty, rural development and generation of employment opportunities in the rural areas. Some of the important Legal provisions adopted in the post –independent period in India for ensuring social justice to all can be listed as under:

- The Equal Remuneration Act, 1976.
- The Criminal Law Amendment Act, 2013.

- Sexual Harassment of Women at Workplace Act, 2013.
- The Hindu Succession Act, 1956.
- The Maternity Benefit Act, 1961.
- The Special Marriage Act, 1954.
- The Dowry Prohibition Act, 1961
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- Protection of Women against Domestic Violence Act, 2005

SAQ:

Do you think Fundamental Rights guaranteed to the Indian Citizens help in establishing Social Justice? Give reasons in support of your answer. (100 words)

5.5.3: Reservation Policy:

Constitution of India tries to ensure social justice mainly through the Fundamental Rights, Directive Principles of State Policy and Special Safeguards and Affirmative Action. Reservation policy is one of the constitutional means to address the problem of inequalities and discriminations existed in India for centuries

Since a huge chunk of Indian population belonged to Scheduled Caste and Scheduled Tribe and other backward classes , their socio-economic condition was deplorable. The framers of the constitution, therefore, made a special provision known as 'protective discrimination' or Reservations to uplift their conditions. Thus, the Constitution which provides for equality and supports non-discrimination has made some exceptions for Scs, Sts and OBCs by giving preferential treatment to them.

Reservations help in establishing equality and social justice and uphold the values of democracy. We can see reservations in three different areas :

1. Political Reservations

2. Educational Reservations
3. Reservation in jobs

Moreover, the Constitution Act 2019 (One Hundred and Third Amendment) passed by the Parliament of India enables the State (i.e) both the Central and State Governments to provide reservation to the Economically Weaker Sections (EWS) of the society for appointment in State Government jobs and for admission to State Government Educational Institutions. Now, 10% reservation under Economically Weaker Section (EWS) category is applicable to those persons who are not covered under the Reservations system made earlier.

From the discussion above, we have learnt that the India aims at providing a comprehensive form of justice, equality and dignity of the individual. It visualizes the people to be the ultimate source of its legitimacy and provides them with certain Fundamental Rights that cannot be alienated or abrogated even by the Parliament. However, these rights are subject to national security and general welfare. The constitution also contains the Directive Principles of State Policy under which the State strives to secure a social order oriented to welfare, ensure means of livelihood for all citizens, ensure the use of the material resources of the community to promote the common good, prevent harmful concentration of wealth, ensure equal pay for equal work for both men and women, and protect children and youth from exploitation.

Check your Progress 2:

1. Discuss briefly the provisions of the Constitution for Securing Social Justice in India.
2. Critically analyze how Reservation Policy towards backward classes can ensure social justice in India.
3. Mention the names of different laws/Acts for securing Social Justice in India.

5.6: Summing Up:

After reading this unit, we are now in a position to comprehend the meaning of social justice and its importance in India. India, after independence has adopted a democratic polity which aimed at establishing an egalitarian society. **B**eing a democratic country, India must adhere to the principle of equality. Equality is possible in this heterogeneous country only when social justice is ensured to each and every citizen of the country. Therefore, it is the utmost duty of the government to ensure that the benefits of development reach the

vulnerable groups. After reading this unit we have learnt that social justice means availability of equal social opportunities for the development of personality to all the people in the society, without any discrimination on the basis of caste, sex or race. Thus, the concept of social justice is associated with social equality and social rights.

A the time of independence India faced with various problems such as poverty, unemployment and sub-standard life conditions affecting a large section of the society. Therefore the founding fathers have made various provisions in the constitution like Fundamental Rights, Directive Principles of State Policy and reservation policy for securing social justice to all Indian citizens. Later, the successive governments have also passed various Acts for securing social justice to different categories of marginalized communities.

5.7 Reference and Suggested Readings:

1. Austin Granville (1999), The Indian constitution: Cornerstone of A Nation, Oxford.
2. Ahmad S. Waseem and M. Ashraf Ali (2006), Social Justice and the Constitution of India, The Indian Journal of Political Science, Indian Political Science Association
3. Beniwal Anju (2013), Gender Discrimination and Empowerment of Women In India: A View, The Indian Journal of Political Science, Vol. 74, No. 1 Indian Political Science Association
4. Khanna, L. M. (2014) Indian Social Justice : A Case for Review, Patridge Publishing
5. Marshall Gordon and Adam Swift (1993), Social Class and Social Justice, The British Journal of Sociology, Vol. 44, No. 2, Wiley on behalf of The London School of Economics and Political Science
6. Pandey Rajnikant and Chandra Mohan Upadhyay (2009), Contemporary Issues in Social Justice(Indian Context), The Indian Journal Of Political Science, July –Sept., 2009 published by Indian Political Science Association
7. Rizvi Gowher (2007), Emergent India: Globalization, Democracy, and Social Justice International Journal , Autumn, 2007, Vol. 62, No. 4, India Emerging: Strength and Challenge (Autumn, 2007), pp. 753-768 Sage Publications
8. Sharma, K. L., (1999), Social Inequality in India : Profiles of Caste, Class and Social Mobility, Rawat Publications, New Delhi.

9. Shukla Subhash (2013), Social Justice in India: Constitutional Vision and Thereafter, The Indian Journal of Political Science, Vol. 74, No. 2, Indian Political Science Association.
10. Tripathi Suresh Moni (2015) Social Justice and Indian Constitution, CreateSpace Independent Publishing Platform
11. Yadav Alok Kumar (2014) Socal Justice and the Poor in India Journal of Social Welfare and Human Rights, American Research Institute for Policy Development

UNIT 1

Contestation over Nation

Indian Nationhood: The Idea

1.1 Introduction

Nationhood simply means cultivating common aspirations by a group of people in a defined geo-political setting. The idea of modern nationhood was developed in Europe in the mid of 17th and early 18th Century, but had been promulgated across territoriality in the subsequent period. The sense of belongingness is the basic notion behind the construction of nationhood. The shared culture, ethnicity, language, history, religion etc. usually help in reducing the differences among people. Accordingly, the nationhood is not free from circumstantial influences as the idea of peace, security, power struggle, global politics, and market economy etc. have viable impact on the entire geopolitical setting. Hence, despite complexity, the spirit of nationhood helps to be united irrespective of their multiple standing. Unlike others, India too, has constructed the sense of nationhood accentuating unity in diversity. The colonial as well as post colonial history of India is based on not other than substantiation of Indian nationhood.

The Indian nationhood officially synced with the independence of 1947. Despite plurality, multiplicity; the sense of belongingness, unity in diversity are widely nurtured throughout the system. However, the partition was a bitter experience in shaping or reshaping the Indian society. The internal imbalance sometimes paused as a threat for Indian Nationhood but it has been managing customarily since the very beginning. In recent time, the sense of nationhood has been defining through the prism of *Hindutva* in establishing a *Hindu Rastra*. Basically the concept of nationhood is essential for every nation state system and which is beyond debate and contestation, but India has been facing both horizontal as well as vertical challenges as it needs to examine the entire concept through multiple prisms. Here in this chapter, an attempt has been made to understand the Indian nationhood from multiple angles.

1.2 Objectives

The concept of nationhood is essential for one and all. The construction of nationhood has inseparable linkage with the formation of modern nation state system. As we know the Indian nationhood can be studied for multifaceted reasons and here an attempt has been made to understand what exactly nationhood means and its relevance in a society like India. The objectives are categorically highlighted bellow.

i. It seeks to dig out conceptual understanding of nation, nationalism and nationhood.

ii. It is an attempt to focus on the emergence of Indian nationhood.

iii. It also prefers to scrutinize the present discourse of Indian nationhood.

1.3 Conceptual categorization

The nationhood is the state of being a nation or a group of people united by common language, culture, politics, economic life, history etc. The common interest usually helps to promote the spirit of oneness; also can be defined as commonness. The sense of commonness is essential criteria for nationhood. Furthermore, it contributes in strengthening the spirit of nationalism among the citizenry. It is witnessed that the idea of nation, nationalism and nationhood are linked with one another.

1.3.1. Background of the Study

Every fragile notion is considered as a source of contestation. The conceptual framework of nation, nationalism and nationhood are somewhat fragile and remain contested, debatable but essential for geopolitical study. Most of the time people are in a race for finding purity of social settings, but nowhere possible to get it. Even it is becoming more complex day by day. Therefore, despite plurality, people prefer to find out their common identity, origin etc. Usually human being considers race, language, religion, culture, ethnicity, history, identity etc. as their preconditions for bringing commonness.

Even these are essential for consolidation in a larger geopolitical framework. The ancient Greek had witnessed such arrangement of city states i.e. Athens, Sparta and so on. These states have their specific territorial border, their own administrative mechanism, their citizenry etc. The modern nation state is the new fashion of old city states. Perhaps, it is a refined version applicable in a modern situation. At present, it is very difficult to find a homogenous society; the globalization makes inroads for all to go beyond their physical border. Even the global issues are getting multifaceted challenges from all walks of life. No one is secure, self sufficient and therefore it demands for global collaboration. As a basic actor of global politics, the nation states propel to cooperate with each other. The dependency or cooperation is maintained even in individual level. Apparently, the nation states have been providing a common space to be united under a defined political setting. Essentially, there are two different but basic ways to mingle the sentiment of common people i.e. one is inherent and other one is imposed. Whenever, people shared similar identity, history, ethnicity; it becomes easier to bring proximity among the people, but on the contrary the diversity makes difficult to be united. Even the states have to initiate multiple policy and programmes in bringing closeness. Ultimately by the nation state, an imposed attempt has been made in bringing the sense of shared culture. Hence, both the ways are essential for founding nationalism and wherein the concept of nationhood is the optimal point everyone can realize it.

Stop to Consider

There were over 1000 city states in ancient Greece but the main poleis were Athens, Sparta, Corinth, Thebes, Syracuse, Aegine, Rhodes, Argos, Eretria, and Elis. The territory of Greece is mountainous, and as a result, ancient Greece consisted of many smaller regions each with its own dialect, cultural peculiarities, and identity. Regionalism and regional conflicts were prominent features of ancient Greece. The city states indicate on one hand concentration of people in certain locality and fragmented setting of their poleis.

1.3.2 Nation, Nationalism and Nationhood

Nation and nation-states are interchangeably used to mean a group of people inhabiting in a particular geopolitical setting. Basically, nation

indicates large number of people united by common descent, history, culture, ethnicity, language and inhibition in a particular territory. Accordingly, the state claims for a specific sovereign territory having population ruled by a government of their own. On one hand, nation is a structural framework exists on the basis of some similar characteristics of inhabitants and other hand state is the creation with some precondition realized in a particular geopolitical setting. Therefore, the nation state is a combined terminology to indicate a group of people having shared history, culture, ethnicity etc. and living in a sovereign territorial setting under the control of a government of their own.

Stop to consider

Four basic elements of State

A state has four essential elements 1. Population, a group of people 2. Territory, size doesn't a matter. But, a fixed territory is essential. 3. Government, to run the administration a competent authority and 4. Sovereignty, which means free from any form of subjugation by others.

Another crucial element is recognition by other elements like nation state or any international organization.

The concept of 'nation' developed in Western Europe during the post reformation struggles of the sixteenth and seventeenth centuries, and was further shaped by the industrial revolution and political revolution of the eighteenth and nineteenth centuries. During the nineteenth century, the development of the political power of the middle classes within capitalist states also refined the concept of the nation (Harrison and Boyd 2018)

The term nation derives from Latin word '*natio*' literally meaning 'birth'. The French word '*nacion*' also means 'birth' or 'place of origin'. People from a particular locality usually have common language, culture, cuisine, history, way of life and so on. Ultimately their sense of belongingness helps in uniting one and all. Interestingly it becomes as their shared entity and which is essential for both individual as well as collective sphere. Apparently it would be an unprecedented race for establishing their uniqueness and sense of superiority. Hence, it would unleash a different kind of sentiment based on their race, place of birth, origin etc. for the sake of a nation. This extraordinary sentiment or patriotism is simply called

nationalism. The world has witnessed diverse nationalisms in different capacities. Basically, the sense of nationalism was strongly grounded in the west, particularly in Europe. Later on it became a common phenomenon of the world politics. There are different kinds of nationalism i.e. extreme nationalism, pan nationalism, narrow nationalism, sub nationalism and so on. Despite multiplicity of nationalism, the ultimate goal is substantiation of sentiment in a unified manner. The unified setting through the sentiment of nationalism is literally called nationhood.

Stop to consider

Different kinds of nationalism

The nature of nationalism is varied from one situation to another. Considering the process of functioning, nationalism can be categorized as follows i.e. Ethnic nationalism, Cultural nationalism, Civic nationalism, Liberal nationalism, Romantic nationalism, Religious nationalism, Post colonial nationalism, Pan-nationalism, Sub-nationalism, Extreme nationalism etc. With the changing circumstances, the sentiment of nationalism has been changing. The Nazi sentiment of Hitler ruled Germany is unacceptable at present situation of Germany, the sentiment of Indian people under the colonial administration was changed in post colonial period, and the Indian liberal nationalism is going to replace with Hindu nationalism and so on. Furthermore the pan Indian nationalism is facing challenges from different sub regional nationalism. Hence, the idea of nationalism is somewhat relative or situational.

The existence of nationhood is usually found in nationalism as the spirit or sentiment contributes in shaping or reshaping a nation state. Nationhood simply means is the state of being a nation, or a large group of people united by common language, culture or economic life and so on. Guibernau has define the nation as “a human group conscious of forming a community, sharing a common culture, attached to a clearly demarcated territory, having a common past and a common project for the future and claiming the right to rule itself. (Guibernau 1996: 47).

According to Margaret Moore, the term nation refers to a group of people who identify themselves as belonging to a particular nation group, who are usually ensconced on a particular historical territory, and who have a sense of affinity to people share that territory. It is not

necessary to specify which traits define a group seeking self determination (Moore 1997: 906).

Max Weber defines nation as a community of sentiment based on different factors. According to Weber, modern nations usually need a state to protect their integrity and interest and states usually need a nation if they are to command the allegiance of the individuals.

Benedict Anderson defines nation as an imagined political community…… it is imagined because the members of even the smallest nation will never know most of their fellow members, meet them or even hear of them, yet in the minds of each lives the image of their communion. (Anderson 1983: 5-6)

O. Bauer who defined the nation as a community of culture and character based on common historical destiny.

It appears that, demarcated territorial setting is not essential for a nation. Even for the nationhood too, demarcation is not necessary but national identity is inevitable. For nationhood, Adrian Hastings has explained as in the West, three elements were especially important in the creation of nationhood. War stimulated a sense of national identity and nationalism. The awareness of a wider linguistic sense of identity, rather than dialect, developed as the consequence of writing and the spread of printing. Finally, a religion was especially important. The idea of a chosen nation comes from the Old Testament, and kings and national priesthoods used religion to shape national identity. (Harrison and Boyd 2018)

In India, the long fight for freedom, history, colonial administration, etc. had promoted the sense of nationalism among the people. The idea of nationhood was also substantiated as people irrespective of their community identity, and other credentials were engaged in the nation building process. Perhaps, there is a constant contestation among the people to realize a true sense of nationhood.

Check your progress

1. What is nationhood?
2. What is a nation?
3. How nationalism contributes in constructing nationhood?
4. What are the major elements of modern nation states?

1.3.3 Factors contributing in nationhood

There are multiple factors have been contributing to realize nationhood. Basically it needs some common preconditions for linking one with another. Although modern society is relatively diverse, people are concerned for their race, religion, ethnicity, community etc. Furthermore, people also consider different other factors for finding their commonness. Sometimes, the diversity or uniqueness is again considered as a source of commonness in different situation. Hence, Benedict Anderson had proposed for 'imagined communities', as the global setting is not prudent enough in structuring nationhood. But notable point is that even in an imagined situation, the role of different factors is inevitable.

The origin of birthplace helps to unite people from different background. Usually people have acute relation with their birthplace, the motherland or the fatherland and somewhere it is also called as homeland. The native area not only remains memorable but easier for accessible too. The concept of family as well as kinship has substantial contribution in bringing closeness among the people and which is the foundation of nationhood. These preconditions have historical prominence starting from nomadic period how the entire setting was controlled and regulated by family. However, with the changing circumstances, though the setting has been getting changed, the concept of family and kinship are also changing. Despite their diverse nature, family and kinship brings sense of commonness among the people.

Another crucial factor is shared history and it is easier to find one's origin through the prism of history. In a modern complex situation, most of the people represent multiple identities. Despite multiplicity, their historical linkages provide sense of belongingness. The Indian society is diverse but their shared history of pre colonial, colonial and even post colonial period helps to be united. In accordance with their narrow individual identities, people have had a shared common identity as an Indian. In a similar fashion, different other countries across the globe have multicultural setting, but remained united mostly depending on their shared historical background. As a result a strong nationhood is possible to arrange despite their stratified social setting.

Language is another factor has been contributing in realizing nationhood. Strong nationhood deserves monolingual state so that people can share, understand one's ideas without complexities. At present most of the societies are linguistically diverse and subsequently becomes a barrier for sharing one's viewpoint with

others. In such a situation, a particular language gets privilege over others. Somewhere, the lingua franca becomes essential for their everyday life. Hence, a common language or commonness through language helps in bonding people. A community based on language is essential element for strong nationhood.

In a similar fashion, the concept of ethnicity has been contributing in sustaining nationhood. People of same ethnic background, have their shared way of living. But, presence of different ethnic identities increases the probability of clashes or contestation among the people. As a result, the bondage or unity among the people becomes fragile and which is a challenge for building nationhood. A strong nationhood deserves sense of belongingness at any cost. In this regard, we can discuss contribution of culture and religion too. Culture provides a larger space to share one another. It is relatively loose in individual level but have a strong connection in public domain. Basically culture incorporates everything i.e. food habit, music, art of living, dress code and so on. Hence, the sense of commonness is basic notion of culture. Accordingly, the modern notion of plurality or existence of many cultures becomes the source of contestation, but recognition of all helps in bringing closeness. Sometimes, diversity is considered as a different notion of culture in modern society. It is pragmatic to understand culture through the prism of religion, language, ethnicity, modernity etc. In accordance with culture, religion has immense contribution in substantiating nationhood. Basically religion is considered as a private matter but inseparable from the public domain. The major religion of the world are encompassing across the boundaries with huge numbers of admirers. Religion is not just a principle of individual; but it is a way of life for religious persons. The basic norms of religion or the religious scriptures are considered as holy but these are considered as a great source of learning. Ultimately, the activism of every individual is regulated by his or her own religion. Interestingly, religious linkages are usually maintained even transcending national boundaries. Apparently it is considered as a vital precondition for nationhood; but no one can deny its probable challenge towards the entire setting of commonness.

Geographical location is another condition to unite the people. It is a physical bonding in true sense of the term. People inhabiting in a specific geographical location usually shares their everyday life i.e. interaction of their quotidian life, sharing pleasure and pain and so on. Geography usually incorporates physical as well as psychological relations; starting from riverine basin, forestry, farming land to migration, population density etc. are basic concerns of geography. There is an inseparable bondage among the inhabitants of a specific

locality. As a result their sense of belongingness becomes quite strong and which is essential for nationhood.

Furthermore, it seems heterogeneous societies are usually loosely bonded but sometimes such type of multicultural setting might be a strong source of nationhood. Actually, it is a collective endeavour to bring the essence of commonness. Thereafter, the common enemy might be a crucial factor for realizing nationhood. Basically, people are concerned for their security, both individual as well as collective. However, state is the security provider for its own citizens. Reversely, it becomes a moral responsibility of every citizen to remain standby with the state in critical situation. Even citizen remain ready to sacrifice everything for the sake of nation. Hence any upheavals or threat for the state is considered as challenge for security. Such types of adverse situations are tackled in a unified manner whether by state or collective efforts of citizen, but notable point is that a common enemy propels the entire system to be alarmed. Such type of sacrifice, sentiment or collective efforts helps in strengthening nationhood. Sometimes the internal disturbances become a challenge for the state and which contributes in weakening the sense of nationhood.

Leadership has significant but indirect linkage with nationhood. From the ancient period to modern society, empirical system to democracy, religion to polity, farmers to bureaucrats; everywhere popular leaders have substantial influence throughout the system. Basically a leader possesses indifferent personality, unusual mission and vision, capability to influence one and all and ultimately common people convincingly or controllably remain submissive to accept the command of the leadership. The spiritual leaders usually control religious activities, the political leaders basically control their citizenry and governance, the farmer leaders speaks issues related with farming. Everywhere, a vital role wielded by leaders and people have unconditional support overtly or covertly. There are some historical figures like Bismark, Hitler, Mossulini, Lincon, Gandhi, Mao, Yaseer Arafat, Sheikh Muzibar etc. and despite their ideological differences, they were considered as undisputed leader of their age. There is an inseparable linkage between leadership and expectation of common people. Hence, people urge to secure their common expectation in a united manner. It helps in finding commonness and which is one of the basics for nation, nationalism and also nationhood.

Ideology is considered as a basic ethos of nationhood. Ideology simply means substantiation of idea and has stanch followers too. It is appeared that people believe on certain way of activism whether it is just or unjust, true or not; even they are ready to sacrifice everything for securing their ideological standing. History has been witnessing

that Nazism in Germany, Fascism in Italy, liberalism in Western Society, Capitalism in Europe are crucial ideological standing. Furthermore, ideologies like colonialism, socialism, feminism, modernism etc. are also getting importance in different geopolitical setting. It is a common spirit mostly based on idea, thinking, aspiration etc. and helps in bringing commonness. Such type of ideological exercise helps in uniting different section of people of a nation state.

The above discussion clearly depicts that there are lots of factors have been contributing in nationhood. In a plural society, although it is difficult to unite, but there are many preconditions usually help to unite. Perhaps modernity, globalization, cooperation etc. have substantial influence on internal as well as external matter of every nation state. On one hand, the competitive global politics have been sharpening the idea of nationhood and other hand the modern liberal society provides an open space to share with one another. There is a contradiction that positivity as well as negativity is there in achieving nationhood. Moreover, nationhood unleashes negative attitude towards other. We can put an example that how racism is essential for strengthening nationhood and similarly how nationhood had adversary on international peace. Race is a highly debatable issue. People are categorized on their biological setting as white, black, coloured or brown and so forth. The concept is contested among the social scientist as racialization is a major source of discrimination. It goes as saying that the white are superior or the black are least capable and marked by animal nature. With the changing circumstances, it becomes somewhat difficult in finding pure race but which are still prevalent in different countries. Couple of years back, the Jew were engaged in searching people with genetic uniformity and even provided citizenship too. In Germany, Adolf Hitler had applied scientific racism to unite the German against the rest of the World. Hence, despite contestation, the role of race, gene, blood etc. are inevitable for considering commonness and which is essential for strengthening nationhood. But the extreme nationalism or expectation of nationhood, Hitler had destroyed the worldly system. Hence, the idea of nationhood is a contested term in global politics. In India, the idea of nationhood was grounded during the colonial administration of British. The history of India is the greatest source of Indian nationhood. However, the trajectory of Indian nationhood is really contested and still the process is surreptitiously advancing.

Self Asking Questions

1. What are the major factors contributing for nationhood?
2. How ideology contributes in strengthening nationhood?
3. How territoriality helps in constructing nationhood?

1.3.4 Basic features of Nationhood

The construction of nationhood is essential for sustaining the spirit of belongingness. Although, it is somewhat difficult to get specific stature of nationhood, but one can realized it. The following features would be helpful to understand nationhood.

1. The sense of nationhood is associated with loyalty to the nation. Sometimes, individual interests are depreciated for preserving collective national interest
2. The bonding of nationhood is strengthened through the spirit of nationalism. The one nation formula is significant in understanding nationhood.
3. It is in favour of fixed and permanent territoriality, any challenge may causes obliteration of nationhood.
4. It promotes common interest among the people. In a reverse form, the common interest of people usually considers as national issue and which is essential for constructing the sense of nationhood. Even the issue of national security is crucial to understand nationhood.
5. No one can escape from the circumstantial influence and with the changing situation, the notion of nationhood is also getting changed.
6. Another important point is the learning of self determination from the spirit of nationhood. It rejects any form of outside interferences.
7. The idea of nationhood is indivisible. Any form of contestation considered as a challenge for nationhood.

These are some pertinent character of nationhood. There is no any fixed structural setting of nationhood, but the spirit or desire of people for it is substantial.

1.4 Historical background of Indian Nationhood

The geopolitical history of India is quite patchy and has been endorsing different narratives with full of contradiction. From the civilizational impact on Indian society to the present architect of Hindutva, the multiplicity of Indian society has been witnessing unusual form of nationhood. It has historical prominence, one can put forward the entire debate in two broader categories i.e. one is classical and other one is modern concept of nationhood. The Hindu religious scriptures usually carry the significance of ancient form of nationhood; basically the civilizational impact and cultural homogeneity had linked the people of Indian subcontinent. Accordingly the idea of 'Hindutva' is rooted in Indus valley civilization. The modern notion was developed with the emergence of modern nation state system and which was fulfilled with the transfer of power from colonial administration to the Indian people and thereafter. Eventually, at present, the ancient notions are tried to retrieve in modern situation.

1.4.1 Classical notion of Indian Nationhood

Traditionally the Indian culture believes in *Vasudhaiva kutumbakam*, the world is considered as one family. The verse is appeared in chapter 6 of Maha Upanishada VI. 71-73 advocates for a shared worldly system. In a similar way, the Rig Veda I.164.46 states '*Ekam sat vipra bahauda vadanti'* or what is one, the sages give many names. There may be different processes, but all are enthusiastic for finding the ultimate truth, that is the supernatural power, *Mokshya*. Despite stratification, Hinduism persuades for an inclusive society, people are for a common goal that is finding the absolute truth. Furthermore, the Hindu scriptures had given the broadest idea of humanity, brotherhood and universal cooperation and so on. However, the trend was disrupted in the course of history, but the spirit of belongingness has remained intact intangibly. It is alleged that under the rule of outsiders, there were sharp divisions among the Hindus. Hence, in recent time, there is a demand for uniting the Hindu under a common umbrella, to strengthen the spirit of *Hindutva*. Apparently, the ancient history of Indian society promotes universalism and which is relevant to understand the global politics of recent time. The believers of universalism are focusing on global cooperation for solving different transnational issues of recent time. Hence, it is considered as a noteworthy approach to understand the concept of universalism. The spirit of universalism is the driving force for constructing an imagined boundary of Hindu culture, one step ahead for a Hindu nationhood.

However, a section of people are engaged in reframing the holistic view of imagined Hindu nationhood. Hence, there is a contradiction on the basis of functioning between ancient as well as modern Indian nationhood.

1.4.2 Transnational idea of Indian Nationhood

The idea of nationhood is essential for constructing a nation whether it is demarcated or not. Sometimes, people go beyond a demarcated boundary, constructing an imagined nationhood. On one hand, the nation states are engaged in sharpening their demarcated border, but other hand mutual cooperation is inevitable in global politics. Subsequently, a shared global culture is getting prominence throughout the system. Unlike others, there was a linkage of cultural history among the people of Indian subcontinent. The demographic setting and cultural linkages from Kandahar to the East Asian countries, provides a broader scope for understanding the historical affinity among the people. Diversity was prevailed everywhere and which is a pertinent force for sustaining nationhood. Hence, no one can deny the civilizational impact in India and its beyond. Despite similarities or multiple linkages, the concept of modern nation states is in favour of snapping all sorts of shared relations. It controls movement of people, trade and commerce, rights and privileges etc. and regulated by the state specifically within the border. The construction of a wide nationhood comprising the neighbours of India is somewhat imaginary and nowhere possible to establish it.

1.4.3 A Long Struggle for Indian Nationhood

The legacy of Indian culture is rooted in the Indus valley civilization, but were being faced multiple disruptions from time to time. Although, the concept of nationhood has developed only a century back or two, but the essence of universalism had a long historical prominence in Indian society. Besides, one can find linkages between ancient universalism with the state of imagined nationhood, but which is relatively narrower in terms of functioning. Furthermore, nationalism is one of the basics of nationhood, whether it is in India or beyond. The Indian nationalism got momentum with the emergence of new leadership to replace the British administrative set up in India. As a

result, the entire setting was reshaped to mobilize towards a finite direction and subsequently India got independence after a long struggle for power. It was the ultimate goal for every Indian and also considered as the founding stone for Indian nationhood. The divisive, exploitative role of British administration was completely rejected by the people of India and subsequently British failed to retain power by any means. One day they were propelled to hand over power, authority declaring independence of India.

The Sephoy mutiny was considered as the first initiative to reject the British administration by a section of Indian military force. However, the resentment of the common people had grown surreptitiously and had been continued till the mid of 20th century. Due to the segregation among the people as well as military, it was easier for colonial administration to control without any major hindrances. On the contrary, it requires couple of decades for Indian to get independence. The fighting was for self rule, self respect and this was inevitable for every individual irrespective of their backgrounds. Basically the concept was developed by the western educated persons to struggle for freedom, liberty, and justice and so on. Even the platform like Indian National Congress had substantial contribution in the long struggle for freedom. On one hand Indian people were being united for independence, but other hand British passionately had applied divisive politics in every sphere of society. Even the nation was bifurcated on the basis of religion. Besides, there were three different groups of administrative set up to weakening the unity of Indians.

Stop to consider

British rule in India

A group of British merchant came to India for strengthening trade and commerce with Indian subcontinent under the banner of British East India Company and gradually they got an opportunity to rule the country. The decline of Mughal empire and stratified social setting in India provided freehand to run the administration without any complicacy. Till 1858, there was a rule of British East India Company, but Sephoy mutiny had changed the administrative mechanism as the British crown was propelled to rule it directly. The entire geopolitics are set in two categories i.e. one is directly ruled by the Crown also called as British India and other regions were administered by some regional rulers are called princely states. However, the princely states had to provide taxes to the

British government. Ultimately, there was an administrative segregation policy of British to divide the people of India. At the time of partition, the entire geographical region was divided into three groups i.e. a major portion of British India is categorized as A, the princely states are as B and for Pakistan is kept under group C. The British were very systematic in the geopolitical matter but their strategy of divisive politics had been continued till the date of independence. As a result, they had sponsored a fragmented nationhood for the people of India as well as Pakistan. The history of partition on the basis of religion is sponsoring in sharpening Hindu nationhood of recent time.

The western educated conscious group was the pioneer of independence struggle. It doesn't mean that all the western educated persons were patriot; many of them were ardent supporters of British administration. Under the august leadership of a section of western educated patriots, the common people had joined the struggle demanding their self respect, dignity, freedom and so on. Hence, people irrespective of their background had fought for the independence of India. Their aspiration for freedom was the driving force to unite one and all. Even they had constructed an imagined nationhood free from the dominance of others.

Secondly, the unity among the people was one of the major approaches to fight against British. As we know, the Britishers had an intension to divide and rule, and subsequently the common people had failed to construct a unified force. They know the weaknesses of Indian people as religion, caste, class, language, ethnicity etc. are considered as sensitive matter in every nook and corner of Indian society. Hence, they had sharpened the divisive identities for the construction of enemy group among the Indians. The Hindu Muslim fight was very common, but fighting among different sects of a particular religion was more critical at that time. The Upper caste had an involvement for atrocities against the lower caste, even the Muslims were too engaged in fighting different capacities.

In such a divisive society, it was quite difficult to bring under a common umbrella. Undoubtedly the western educated conscious group had glaring contribution to mobilize the common people against the British. Even they were successful to construct them as an enemy of Indian people. The support and active participation of common people had founded the sense of belongingness. The spirit was essential for constructing nationalism and which is the basic precondition for Indian nationhood. With the independence, undoubtedly the Indian

nationhood was grounded formally. The Indian National Congress was a pioneer institution for India's freedom movement. It was a common platform of people propagating different ideologies, believes and faith. Even the leadership was in favour of establishing a liberal democratic setting for a heterogeneous society like India, but there was an alternative but paralleled viable force for establishing a Hindu *rastra,* claiming for a Hindu nationhood. The Indian nationhood somewhere punctured with the presence of narrower sense of nationhood. Furthermore, it had faced substantial challenges throughout the process of integration of India. Apparently it becomes a never ending phenomenon as the concept of Indian nationhood has been facing multiple challenges in different capacities.

Self Asking Question

1. Discuss the classical notion of Indian nationhood.

2. What are the major factors contributing for Indian nationhood?

3. 'Nationalism is inevitable to realize a nationhood' discuss.

1.5 Indian Nationhood: Debate and Discourse

1.5.1 Nationhood in the Post Colonial Period

The Indian nationhood can be realized from the debate and discourse on Indian nationalism, a quite sensitive matter in the politics of recent time. Basically, Indian nationalism has been shaping time and again by the changing political dispensations. It is considered as a pertinent matter for nation building process. However, at present Nationalism has become an everyday business for a section, chanting *Bharat Mata ki Jai* becomes crucial for assertion of nationalism. During the national movement for freedom, there were different processes to revitalize the spirit for nationalism. Apparently, patriotic song, slogan, poem and other write-ups provided wider space to strengthen the sense of nationalism; even the trend continues in the post independent period. Later on, observation of national days, song, films, historical monuments, commemorating the national movement had inspired a

lot. These are hybridized with the induction of Hindutva, a new orientation of Indian nationalism. Hence, there are different nature of nationalists; i.e. soft nationalist and hardcore nationalist, liberal nationalist and despotic nationalist, moderate and rigid nationalist etc. and all are claiming for nation first, the territorial integrity, sovereignty is indispensable. During freedom struggle, there were three different schools of nationalism in India i.e. one school was run by Indian National Congress, the moderate approach, another one was the Hindu nationalist, and the third one was led by the communist disciples. Despite their ideological differences, people were enthusiastic for freedom and subsequently India got her independence in the year 1947. The scenario of post independent period is also changing in an unprecedented way.

Changing trend of Indian nationhood

In the post Independent period, India has been witnessing change in nationalism, the liberal pan Indian nationalism is replacing with hard core Hindu nationalism. The spirit of nationalism was basically cultivated during the independence movement; a section of freedom fighter had mobilized the common people against the British with a sentiment of self rule. The sense of belongingness was grounded at the time of independence and continued for couple of decades even after independence. Despite Hindu Muslim divide, an inclusive agenda was initiated for the sake of development as well as integrity of India. It was necessary for the nation building process. But, the advocators of Hindu nationalism have been campaigning for a Hindu *Rastra* with a different fervor. It is alleged that the Hindu nationalist had no contribution in India's independence movement, indirectly supported the British administration. Basically, they opposed the process of handed over power and also declared the independence as bogus one. Other hand, the liberal setting was constructed by the Congress leadership, advocated for an inclusive society, rights and privileges for the minority groups, recognition of depressed classes etc. were rejected by the Hindu nationalist group. Even their political outfit Jana Sangh had to validate their ideological standing in the context of India. There was a constant struggle for constructing a Hindu nationhood by Hindu Mahasabha, Rastriya Sayangsevak Sangh, Vishwa Hindu Parishad, Jana Sangh and finally the BJP, Shiv Sena and other pro Hindu groups. Their aspiration for a Hindu nationhood is politically grounding in recent time. Even they are demanding cultural, social,

political, historical and even constitutional change for establishing a Hindu *Rastra.*

The Indian nationhood has been facing challenges from different sub national or regional forces within the state. The diversity usually provides enough space to sharpen one's identity in accordance with their aspiration. The nation has witnessed different challenges in different capacities i.e. linguistic based reorganization of states, sharpening separate identity based on culture, ethnicity, history etc. are very common among different communities in India. Hence, the pan Indian nationalism is challenged by sub or regional sentiment. However, the Indian constitution tries to unite one and all so that an inclusive society is possible to form. So, there might be different types of nationhood but everywhere the Indian nationhood remains prominent to substantiate the idea of India as a nation.

Stop to consider

Hindu Nationalism

There were hundreds of institutions have been working for establishing a Hindu *Rastra* rejecting the existence of other religions in India. The tallest figure of RSS, Golwakar in his book We or Our Nationhood Defined" where Muslims were portrayed as a perpetually hostile and alien element within the Indian body politic and society, who must either accept total subordination to Hindus or cease being Muslims.(Chandra and others 2007: 266). The Hindu nationalists were engaged in portraying the Muslims as their foe. Even the rule of Muslim emperor was rejected by the fanatic group of Hindu nationalist. The ideologue of RSS i.e. Savarkar, Golwalkar, Shyama Prasad Mukherjee etc. had substantial contribution in the formation of Hindu nationhood.

1.6 Summing Up

The concept of nationhood is essential for strengthening unity among the people. It is somewhat easier to realize in a homogenous society, but country like India, despite plurality, the spirit of nationhood is adequately sustained over the years. Even the notion of universalism was emphatically demanded by the followers of Hindutva to establish an inclusive society. However, the perception of Hindu nationalist for establishing a Hindu nationhood is not only a threat for minorities but

it will shatter the entire democratic setting of India. The values of Indian constitution will face substantial challenges in the days to come. Never the less, the unity in diversity is the driving force of Indian nationalism has been contributing for the construction of a unique nationhood in the world.

1.7 Reference and suggested readings (including possible internet sources)

1. Anderson, B. (1983) Imagined Communities: Reflections on the origins and spread of nationalism
2. Chandra, Bipan, M. Mukherjee & A. Mukherjee (2007) India Since Independence, Penguin Books, New Delhi
3. Desai, A. R. (2010) Social Background of Indian Nationalism, Popular Prakashan Privt. Ltd. Mumbai
4. Gellner, E. (1983) Nations and Nationalism, Blackwell
5. Harrison K. and Boyd T. (2018) The nation in understanding political ideas and movements https://doi.org/10.7765/9781526137951.00006 viewed on manchesteropenhive.com/view/ 9781526137951/9781526137951.00006.xml (10August, 2021)
6. Hastings, A. The construction of nationhood: Ethnicity, Religion and Nationalism (Cambridge university Press 1997)
7. Jafferelot, Christophe (2007) Hindu Nationalism: A Reader, Permanent Black, Ranikhet
8. Smith, A. The Ethnic Origin of Nations (Blackwell 1986)

1.3 Model Questions

1. What are the major characters of Indian nationhood?
2. Discuss the changing trend of nationhood in India?
3. What are the factors contribute in constructing the sense of nationhood?
4. What is a Hindu *rastra*?
5. Is it possible to endorse nationhood in a diverse society like India?

UNIT 2

Contestation over Nation

Early Challenges: Integration of Princely States

1.1 Introduction

After the long struggle for freedom, India attained her independence in the year 1947. With the end of British rule in erstwhile India, the new nation deluged with multiple challenges in different capacities. Basically the emergence of two nations had conglomerated divisive politics among the common people. The geopolitical bifurcation had devastating impact across the territoriality. The history, map, memory, linkages, kith and kinship etc. were severely dislodged and it had been required couple of decades to reorganize the new political settings i.e. India and Pakistan. Hence, to understand the trajectory of Indian politics, it is essential to accentuate the contribution of British coloniser, the national movement, impact of communal bigotry, the situation of world politics and contribution of India in the World War II etc. As we know the national movement of India was a shared venture for disowning the British administration but the post independence politics shattered the entire setting and subsequently India faced multiple challenges for the formation of Indian nationhood.

Despite historic prominence, the independence of India was remained awkward for the common people that it had happened at the cost of partition on communal line. Exponents argued that, either it was a situational demand or British strategy to divide the nation and apparently history inculcates different debate and discussions; but the common people had to suffer a lot throughout the process. The history witnesses communal clashes, massive displacement, unabated migration, inhuman torture, massacres in the post partition period and at the same time the nation needs to reset its basic institutional grounding. The situation was quite precarious at that time in terms of societal integration, political transformation, and economic revivalism and pertinently reorganization of states was a terrible challenge for the new leadership of modern India.

The partition propels to reorganize the entire geopolitical setting of modern nations i.e. India and Pakistan. Even in the new geopolitical setting of India, it needs to rearrange different administrative units as aspiration and demands of different stakeholders were diverse and

subsequently different strategies were applied to unite and integrate its territoriality. It was an unprecedented challenge for the new leadership to unite India as a nation.

1.2 Objectives

The transition from British dominion to an independent India had to face lots of troubles i.e. long battle for freedom, upshot of partition, communal clashes, integration of princely states and restructuring one and all and so on. It was quite difficult to structure under a unified setting as diversity prevails everywhere. At the time of partition, people were remained skeptical about the future, basically people from both the nation were enthusiastic for the freedom but concurrently become the victim of divisive politics. The ploy of divisive politics remained prevalent in every sphere of society. Here, an attempt has been made to understand the precarious situation faced by the people as well as Indian leadership in the post partition period. The chapter is ideally prepared considering the following objectives.

1. It is an attempt to understand the entire geo-political setting of India at the time of independence.
2. It is also to comprehend the political initiatives to integrate one and all under the larger political framework of independent India.
3. Finally, it is to examine the impact on Indian polity in the post independent period.

1.3 Historical Background of India

The political setting of India has been witnessing manifold changes and challenges throughout the history. It is essential to go beyond the political framework to understand the trajectory of India as a nation. The administrative history of India is quite interesting but debatable issue as exponents are either glorifying or demonizing in accordance with their limited knowledge or capacity. Writing or rewriting history is an unending phenomenon but it needs a holistic approach to understand or retrieve the past chronicles whether it is for India or somewhere else. On and around 5000 years back, the Indus Valley Civilization had contributed towards the advancement of socio-eco-

political setting of India. There was a rich administrative setting encompassing the region of Harappa and Mohenjo-Daro. The history also witnessed that many dynasties had ruled different parts of India in different capacities. The ancient period comprises the administration of Haryanka Dynasty (Middle of 6th Century-413 BCE), Sishunaga Dynasty (413 BCE-345 BCE), Nanda Dynasty (345 BCE-322 BCE), Mauryan Dynasty (322 BCE-185 BCE), Shaka (150 BCE-400 CE) and so on. With the invasion of the Mahmeddan clans, a new chapter was started in India. They were again replaced by the European colonizers. It appears that, India's history is speckled with the ruins of empires. Kingdoms have periodically risen here, expanded and fallen, reshaping with them the region's culture and identity. Hence, the administrative history of India has been changing over the years and usually the age old system has been replacing with modern democratic setting.

1.3.1 Pre-British Period of India

The history of pre-British India was dominated by the Mughal Empire ruled almost the entire subcontinent of India controlling four million square kilometers of land and a population of about 160 million. The foundation stone of Mughal Empire was laid by Zaheeruddin Mohammad and also known as Babur in the year 1526. Initially Babur had to face a battle with Ibrahim Lodhi, the Sultan of Delhi from Lodhi dynasty. With that very incident, the mighty Babur had expanded its territory invading different kingdom one after another. The Mughal Empire sustained till the end of Aurangzeb, the last prominent ruler, during whose reign the empire also achieved its maximum geopolitical extent. At the beginning of Mughal Empire, there were many kingdoms in India i.e. Delhi Sultanate, Rajputana, Sur Empire, Timurid Empire, Deccan Sultanate, Chero Dynasty, and Bengal Sultanate. Most of the kingdoms were become insignificant in the presence of mighty Mughal, but with the end of Mughal Empire, once again many kingdoms claimed their existences. Allegedly, the British had enormous contribution in stimulating the princely states in India.

There are different schools have been explaining the decline of Mughal Empire in India. The major reasons for declination of Mughal Empire were depravities in high places, excessive luxury, and increasingly narrow views that left the rulers unprepared for any kind of external challenges. The Marxist school led by Irfan Habib tries to explain the excessive exploitation of the peasantry by the rich, which

stripped away the will and the means to support the regime. Karen Leonard has focused on the failure of the regime to work with Hindu Bankers, whose financial support was increasingly needed; the bankers then helped the Maratha and British. From the religious point of view, some exponents argued that Hindu powers revolted against the rule of a Muslim dynasty. Although, different exponents have been explaining differently, but it would be pertinent enough to explore applying the conspiracy theory of different stakeholders and particularly from the British Colonizer's end.

Check your progress

1. Give a pen picture of pre independence period of India.
2. Highlight the reason of diversity in India.

1.3.2 British Period of India

The British rule in India can be divided into two phases i.e. Company Rule till the end of 1857 and the Crown Rule from 1858 to 1947. Replacing the traditional process, the British had applied new approaches in conquering the nations. Very surreptitiously, without major bloodshed, the British colonies had been grounded across the globe. In India, after getting the Royal Charter (Shahi Farman) issued by Mughal emperor Farukhsiyar in 1717, the East India Company got power of attorney to export and import of goods in Bengal. Besides it also got permission to pass goods through the ports. After getting the business license, gradually established its business foundation in India. The company was empowered to establish forts and keep security forces. By the Regulating Act of 1773, the East India Company had opened a new chapter as the parliament of Great Britain recognized the company's rule in India.

The early history of British expansion in India was characterized by the co-existence of two approaches towards the existing princely states.

1. The first was a policy of annexation, where the British sought to forcibly absorb the Indian princely states into the provinces which constituted their empire in India.
2. The second was a policy of indirect rule, where the British assumed suzerainty and paramountcy over princely states,

but conceded to them sovereignty and varying degrees of internal self-government.

British India consisted of British Indian Provinces and the Princely States. Undeniably, there were some administrative pockets ruled by European i.e. Portuguese, Dutch, French etc. The British India was directly under the control of British Government and by the Indian Independence Act of 1947 the lapse of paramountcy was declared by the British Crown and apparently India became independent. However, the act didn't cover the 565 princely states of India. The British administration has provided opportunities or ensured liberty to merge either with India or Pakistan and others are allowed to remain free as independent states. These princely states were under the direct rule of Princes but everywhere they were directly or indirectly controlled by the British crown. Initially, the British administration had expanded its territory using different strategies i.e. direct fight with different rulers, diplomacy, persuasion and even some mischievous policies i.e. Doctrine of lapse, Subsidiary alliance system were applied from time to time.

Stop to consider

Doctrine of Lapse

It was a policy of East India Company to expand its territoriality in India. The policy was the initiation by the Court of Directors of East India Company in the year 1834. Later on, the imperialist policy vigorously applied by Lord Dalhousie in the late 1840's and remained applicable until 1859. The policy carries that if a ruler died without his biological heir, the entire territory would be annexed by the Company. No Kings were permitted to adopt male child as their successor and through that very policy Satara, Nagpur, Jhansi, Jaitpur, Jaswan, Ballabhgarh etc. were annexed with the British territory. It was one of the greatest conspiracies or injustice to the people of India as without spending a penny, different territories were annexed one after another.

Subsidiary Alliance System

The British East India company expanded its territory introducing different strategies in India. Lord Wellesley had changed the administrative setting introducing the Subsidiary Alliance System and different areas were compelled to depend on the British Military. The internal system was allowed to administer by the

existing rulers but their security system was regulated by the British. Apparently, the rulers were remained dependent on the British and even the internal uprisings were also controlled by the British. Ultimately, the administration was being weakening day by day and very tactfully propelled to merge with the British administration. The Subsidiary Alliance system basically carries the following principles:

- Acknowledge the British East India Company as paramount of power.
- Permanently station a British Army within the territory.
- Pay subsidy maintaining the British Army.
- Post a British Resident in his court
- Not negotiate with any other rulers without prior consent from the Governor General
- Not employ any European in their service without getting approval from the British

Besides, if the ruler fails to make payment as per the alliance, then the state would be confiscated by British East India Company.

Check your progress

1. What is doctrine of lapse?
2. What is Subsidiary Alliance System?
3. Discuss the British policies to expand its territory.

1.3.3 Partition of India: India and Pakistan

The end of national freedom movement was resultant with the formation of two nation based on religion. From the very beginning, the religious angle was applied by the British in a well thought out process. The Hindu-Muslim identities were sharpened in different capacities and the British were scary about the unified stand of the common people. Perhaps, the emergence of Indian National Congress,

the common platform for Indian nationalism was the biggest challenge for British administration and subsequently it promulgates an anti Congress movement instigated by the British. A section of elite Muslim had become supporter of British rule to aspiring protection from the domination of Hindu as well as French, Portuguese or Dutch colonies. Gradually this very elite section of Muslims nurtured the concept of two nations. Even they founded the All India Muslim League in the year 1906 to raise the issues of Muslims. Furthermore, by the Indian Council Act 1909, the Muslims were given separate electorates ensuring minimum reservation through reserved category. In a similar fashion, by the Indian Council Act 1919, the Sikhs, European and Anglo Indian were also given separate electorates. Gradually, the Hindus were felt paranoid and strengthen own organizational setting for safeguarding Hindus in India. In the meantime, a section of Hindus were united under the banner of Akhil Bharatiya Hindu Mahasabha (1916) founded by Madan Mohan Malaviya as well as Rastriya Sawangsevak Sangh (1925) by a Hindu nationalist Keshav Baliram Hedgeawr. Another fraction, the communist ideology got momentum with the establishment of Communist Party of India in the year 1925. The fragility helps the British to configure divide and rule policy in an elegant manner.

The partition of India was not an accidental phenomenon and one's need to revisit the chronological development of two nation theory. With the formation of different organizations on religious line, the divisive politics rooted deeply in the society. The decades of 1920's and 1930's, some communal incidents were occurred in different parts of India. In the provincial election 1937, although Congress had outnumbered Muslim League, the League performed better in Muslim dominated area and sought Congress League Coalition government and which was denounced by the Congress leadership. The Muslim leadership felt insecure as they would always be in second position in larger democratic framework and subsequently demanded for a Muslim dominion parting away from India. Even in the year 1940, the Muslim league had moved a resolution demanding 'independent state' for Muslims comprising the North-West belt as well as Eastern part of India. At this point, the British strategy was simple as they will provide dominion status in exchange of support and cooperation for World War II. Even a delegation led by Sir Stafford Cripps came to India in March, 1942 with a view to convince the Indian leadership to keep India loyal to the British war policy in exchange of elections and self rule. The leaders of Muslim League were offered with a separate Union in the following days. Nevertheless, the proposals of Cripps Mission were rejected by

the Indian National Congress as well as All India Muslim League. The British strategy was simple and clear as on one hand it had been trying to usurp support towards British war policy and other hand deflecting the demand for independence. Taking into consideration such strategy, the Bombay Session of All India Congress Committee held on 8th August, 1942, had launched the great August Movement or Quit India Movement to end the British rule in India. Apart from Congress, different other stakeholders i.e. Viceroy's Council, All India Muslim League, Hindu Mahasabha, the princely States, the Indian Imperial Police, the British Indian Army and Indian Civil Service cadres had extended support towards the British administration. The next Provincial election was held in January, 1946 and once again the Congress swept the united province and Muslim League remained limited in Muslim concentrated area. The leaders of Muslim League had claimed that even the common people were in favour of partition. Keeping it in mind, the British once again send a group of leaders, the Cabinet Mission in order to discuss transfer of power from the British government to the Indian leadership. The Cabinet Mission had proposed a three tier administrative setting with a federal union at the top, provincial groupings at the intermediate level and provinces with maximum autonomy at the bottom. The proposals of Cabinet Mission were rejected by the Congress as well as Muslim League, but the demand of partition was conglomerating in every nook and corner of India. Even the Muslim League had taken a resolution to observe 16th August, 1946 as 'Direct Action Day.' However, the legislators of Indian National Congress, Muslim League and Sikh Community came to an agreement with Lord Mountbatten and which has come to known as 3 June plan or Mountbatten Plan in freedom history. On that very day, Lord Mountbatten formally announced in the radio regarding the partition of India. Thereafter, on 5th of July, 1947 Indian Independence Act was passed by the British Parliament and the King of Britain approved the Bill of partition on 18th July, 1947. Subsequently, on 14th August, 1947 the nation was divided into India and Pakistan purely based on religious line.

Stop to Consider

Mountbatten Plan or 3 June Plan

The plan named after Lord Mountbatten, the last viceroy of India (February 1947 to August 1947) and also the first Governor General of independent India. Essentially, the legislators of Indian National

Congress, All India Muslim league and Sikh community came to an agreement with Lord Mountbatten. The plan provided an overview how to rearrange the geopolitics of India after partition. The plan includes the following important provisions:

1. Principle of the partition of British India is accepted by the British Government. The British India is divided into two dominions and will be known as – Dominion of India and Dominion of Pakistan with effect from 15th August, 1947.

2. The province of Bengal and Assam and the Province of Punjab are constituted under Government of India Act 1935 and ceased to exist. The provinces were constituted as East and West Punjab in the West and East and West Bengal in the East. The fate of Assam and Sylhet would be decided as per referendum. Subsequently, after partition both the provinces i.e. Bengal and Punjab shared by India and Pakistan.

3. Both the dominions were entrusted with full autonomy to administer their own law. The leaders were allowed to prepare their own constitution. Until the making of the new constitution, they can apply different provisions of the Government of India Act 1935 to govern the states.

4. The plan also terminated the British suzerainty over the princely states and these states could decide to join either India or Pakistan.

The Mountbatten plan incorporates different other issues i.e. sharing of Military, administrative personnel's, different titles, provision of governor general and so on. This is the final plan from the British end in India.

There are different narratives regarding the partition and communal angle is considered most pertinent in this regard. On one hand, the presence of All India Muslim League and other hand Hindu Mahasabha as well as RSS had deluged the entire system terribly. The demand had become more stringent in 1940's and partition was the only choice for every stakeholder. Even the leadership of Congress also propelled to accept the situational demand of partition. Only a few leaders like Mahatma Gandhi and Khan Abdul Gaffar Khan had opposed the concept of partition. Another narrative comes up with the

battle of power politics between Jinnah and Nehru accentuated the partition of India. Some others believe that the British leadership was overwhelmed with the divisiveness of Indian society and subsequently to end the communal clashes and atrocities; it was the only way need to be applied. Apodictically, the divide and rule policy of British was the dominant narrative had contribution in partition. Notable point is that partition resultant with massive migration, displacement and huge loss of lives and property from either side of the nations. Even it had abysmal impact on socio-economic sector in the post partitioned period.

Check your progress

1. What are the major factors contributed in national movement of India?
2. What are the reasons behind partition of India?
3. How the divisive politics cautiously applied by the British administration?
4. Discuss the role of Indian National Congress in bringing independence of India.

1.4 Emergence of India: Early Challenges

At the wee hours of 15th August, 1947 India got her independence from the British raj at the cost of partition. The entire nation was in grief for unwanted partition. There was no alternate option other than partition to restrict multiple partitions as diversity prevails in every nook and corner of India. Reaching the feat, India faced unprecedented challenges from different capacities. Even the leaders were skeptical about the longevity of free India but gradually everything had come towards normalcy. Undoubtedly it required couple of years to bring stability however India had become an example for other nations. Basically, the partition on communal line had abysmal impact upon the society, polity and even economy and so on and subsequently a massive migration, displacement, loss of life and property, and social tension among the communities had been witnessed. Secondly, after partition it was quite essential to demarcate the boundary with Pakistan. Thirdly, it was important to solve the internal geopolitical issues as different princely states and other dominions had a tendency

to separate from India. Fourthly, although the leadership had chosen democratic form of government but common people were immature enough to apply in their day today life. Another crucial issue was arisen with the demand for reorganization of states on linguistic basis. Finally, the nation faced challenges from the international affairs as the entire world was reeling under political quandary as Capitalist as well as Socialist block were the two power group emerged after the World War II. Hence, in the aftermath of independence, the leadership had faced huge challenges throughout the nation building process.

1.4.1 To Shape India as a Nation

India attained her independence at the cost of partition. In the post partition period, it was a stringent challenge for the leadership to shape the entire territoriality as a nation. The society in India is heterogeneous and it was quite difficult to bring under the same umbrella in a partition induced diffracted society. Although Pakistan was created for Muslims, but a huge number of Muslims were not interested to leave India. In addition to religion, the entire Indian society is a mosaic of different language, caste, creed, cousin, culture, identity, ethnicity, history and so on. At the very beginning, the leaders were skeptical about the possibility of unity in such a heterogeneous socio-political setting. Gradually, diversity becomes a source of strength in the larger democratic framework.

India is a land over 1652 languages are spoken, all the major religions are available here, the society is divided into multiple layers on the basis of caste i.e. Brahmin, Kshatriyas, Vaishyas and Sudra, different tribes i.e. hill and plain, different ethnic identities and so on. On the eve of partition, the separate electorates had sharpened religious identities and particularly Hindu, Muslim and Sikhs were provided to represent in the bargaining of power politics. The entire community was in a race to secure their parochial identity. A section of people indulged in secessionist movement, insurgency activities for demanding their autonomy, ethnicity and so on. Furthermore, the representation in the Working Committee of Indian National Congress on the basis of linguistic boundaries carries the seeds of bifurcation in the post partition period. Historical diversity was quite prominent as India never ruled by a single unified commander. The Hindu people had their own glorious history, the Muslims had also their own past,

the Sikh, Rajput, Jat etc. have their own glorious past and therefore historical diversity got momentum even after partition.

Hence, in a diverse society like India, it was quite difficult to accommodate one and all. Considering the issue of safety and security, it was essential for a newly born country like India. Even it controls from further splitting in the post independence period.

Demarcation of Territoriality

After partition, it was essential to demarcate the geopolitical boundaries and Cyril Redcliff was assigned to demarcate the border with in five weeks. It was quite difficult to demarcate for the team and subsequently remained disputed for couple of decades. The issues of enclave, disputed borderland etc. are remained unresolved even today. The abrupt decision for demarcation propels the people to migrate from one nation to another. Such type of unabated migration has created the problem of refugee and till date many people have been suffering in getting citizenship.

1.4.2 Communal Tension in the aftermath of Partition

Due to partition, there was a massive migration of people from either side of new nations and had been continued for couple of years. It was one of the largest unplanned, abrupt exoduses of people in the history of migration. The rail, road and water ways were remained overcrowded for couple of months and even people had to move hundreds of kilometers on foot to achieve their destination. People faced innumerable hardship, inhuman atrocities, extortions, killing, looting and so on. The cities like Kolkata, Patna, Amritsar, Rawalpindi and Lahore had witnessed highest number of communal incidents. Apparently, partition witnessed huge loss of life and property.

The decision of partition was not just an administrative formalities but it was a matter of life and death of lakhs of people. As many as one million died and 15 million were displaced, the Hindu and Sikh fled from Pakistan to India and the Muslims fled to Pakistan from India. It had been continued for couple of decades and people faced innumerable hardship in settling down in new nation. People and particularly women, children and elderly people were being suffered a lot. The situation was too cruel to survive a life. The neighbours,

friends, colleagues had became enemy with the declaration of partition. Interestingly, the peaceful coexistence and unified struggle against the British had become a history with immediate effect after partition.

The entire nation was considered as communal hotbed after partition. On the very day of independence, Mahatma Gandhi was in Kolkata and sat for hunger strike against the communal outrages after partition. In Kolkata and Patna, the Muslims were insecure whereas in Nowakhali, the Hindus were insecure. Actually the great leader with tallest personality, Gandhi was popular among the Hindu and Muslims. Secondly, he strongly opposed the concept of partition on religious angle. However, being partition was certain and to stop any form of bloodshed, Gandhi insisted the leaders to maintain peace and safety and security of others at any cost.

1.4.3 Survival of democracy

With independence, India came out from the British colonial subjugation. India had adopted liberal democratic republican form of government. In the post World War II period, most of the newly independent countries had adopted liberal democracy, wherein the power is vested in the hands of common people. The western countries are considered as pioneer of modern democracy and have been practicing without interruption as people have been nurturing democratic values in different capacities. The British administration in India had initiated limited democracy through conducting provincial elections. Despite colony, the Britishers tried to introduce the Indian society with democratic aspiration, values, temper and so on. Basically democracy needs modern education, scientific temper, infrastructural development, organizational setting and so on, but the society of India remained sluggish in the entire process.

India had introduced representative democracy after partition. As a result, it was essential to conduct election, preparation of electoral rolls, formation of independent body for managing elections, rules and regulations and so on. Democracy usually vested powers in the hands of common people and in India most of the people were illiterate, economically disadvantageous, culturally retarded and subsequently the constitution framer were skeptical, about the adequacy or competence of democracy in India. At least the common people should have minimum idea to judge what is wrong or right. Democracy provides scope to choose the best from many. Even they

should have idea about the complex procedure of election. For a successful democracy, the voters should be conscious; their active participation would help in check and balancing the government and so on. It's essential to be free from prejudice, nepotism or inclination so that people can chose perfect representative to run the government. But, India after the partition was too immature to expect a fully democratic society. Furthermore, the constitution provided equality, rights, privileges, freedom, justice, minority rights and so on and which is essential for democracy but it would be challenging to sustain democracy in a plural, heterogeneous, unequal society like India. Hence, it was a distance dream in the aftermath of partition.

1.4.4 Integration of Princely States

The integration of princely states was a crucial issue raised in different situation as many of them had indirect support towards the national movement. By the late 1930s, the Congress made it clear their intension of integrating the states into the Indian Union. In the Haripura Session of Indian National Congress (1938) emphasized its stand for the same political, social and economic freedom in the states as in the rest of India and considers the states as integral part of India which can't be separated. The demand for *Purna Swaraj* or complete independence was accentuating for the whole India.

With the Indian Independence Act 1947, the British reign in India had come to an end. Earlier, the British tactfully grounded here and without interruption ruled for 200 years. They applied different methods in annexation as well as expansion of territories. Initially the East India Company ruled India but after the great Indian Rebellion of 1857, also known as Sepoy Mutiny, the British crown took over the charges to rule directly from the British parliament. The British had two categories of administrative units. One is British India, the British paramountcy was there and other one is princely states and which were ruled directly by Indian Raja-Maharajas but indirectly controlled by the British. At the time of independence cum partition, there were as many as 565 princely states. On the eve of independence, they were provided three options i.e. merging either with India or Pakistan or they can remain free as independent state. It appears that most of them decided to merge with India, a few merged with Pakistan and only five

states wished to remain free as independent states. The integration strategies applied by the Indian leadership can be categorized into two i.e. persuasion and repression. It is also known as carrot and stick policy. Through this, one who wished to join the Indian state was ensured full protection including privy purses and others were tactfully compelled to merge with India. Notable point is that apart from Bhopal, Hyderabad, Jodhpur, Junagadh and Travancore, most of the Kings of princely states signed the instrument of accession with India, only three had signed with Pakistan; but the entire process was remained complicated in a newly democratic setting.

The main architect of India's integration policy was none other than Sardar Vallab Bhai Patel, the Iron Man of India; but it is essential to recognize other two personalities Pandit Jawaharlal Nehru, the first Prime Minister of India and V. P. Menon, the secretary to the Government of India in the Ministry of States under Sardar Patel. Here they had applied different strategies to usurp the support from the smaller states. They applied persuasion as well as suppression to merge the territories with India. It started even before independence and within short span of time most of the princely states merged with the Indian Union. But, the states like Junagarh, nearest to Pakistan, although the Muslim ruler intended to join Pakistan, but the people strongly opposed his standing and subsequently joined with India. The matter of Jammu and Kashmir was somewhat different as Hindu ruler ruled over the Muslims and they sought to remain as an independent state, but whenever Pakistan tried to capture the Kashmir region, ultimately the Maharaja Hari Shing had negotiated with India and signed the Instrument of Accession.

Stop to consider

Princely States

The erstwhile India was remained under the rule of different kingdoms. Prior to the British colonial administration, a substantial portion of Indian territory was ruled by the Mughal emperors. The history of different kingdoms was remained patchy, most of them either extinct or remained weakened in the course of time. It appears that the British colony replaced the conventional monarchical system but many parts had remained untouched even at the end of colonial administration. On the eve of independence, as many as 565 princely states were there. It was a great challenge to arrange or annexed these princely states within the larger

framework of India. Sardar Vallab Bhai Patel was the stalwart figure to address the issue and most of the princely states were become integral part of India. Being the first Minister of Home Affairs, Government of India, Mr. Patel had integrated different territories applying multiple strategies i.e. persuasion, diplomacy, plebiscite or military force. Besides, there were two types of agreement i.e. instrument of accession and standstill agreement.

Basically, by the Wavell plan of 1945, the princely states were to be independent after Independence of India. Even the Cabinet Mission Plan also asserted the independence of princely states. But the Mountbatten Plan of June 1947 declared that the princely states would have to join either India or Pakistan according to their geographical location.

Stop to Consider

Sardar Vallabhbhai Patel

Sardar Vallabhbhai Patel (1875-1950) popularly known as Iron Man of India, the first Deputy Prime Minister and also the Minister of Home Affairs, Government of India had immense contribution in the nation building process. He emerged as a major leader of the freedom movement after the Kheda Satyagraha (1918) and the Bardoli Satyagraha (1928).

At the time of independence, the problem of integration of princely states was a major challenge for India as national integrity and unity was essential to overcome the precarious situation emerged after partition. The Britishers had allowed joining the princely states either with India or Pakistan or they can remain independent shaping their own political setup. Under such circumstances, Sardar Patel was the commanding figure diplomatically merged as many as 565 princely states with Indian domain. Hence, the architect of existing geopolitical map of India was none other than Sardar Patel.

Stop to consider

Annexation of Kashmir and Hyderabad

At the time of partition, Jammu Kashmir was ruled by Maharaja Hari Singh and signed a standstill agreement with Pakistan and

also proposed one with India. But it announced that Kashmir intended to remain independent. In the meantime, Pakistan Army tried to occupy Kashmir and to resist the invaders, Maharaja Hari Singh wrote to India asking military assistance. As per procedure, Maharaja propelled to sign Instrument of Accession with India. Finally Indian troops secured Kashmir, Srinagar and the entire valley. Despite Muslim majority, the Kashmir valley became integral part of India. However, a portion of Kashmir still remained under the occupation of Pakistan.

Hyderabad was a Hindu dominated state ruled by Nizam, a Muslim ruler under subsidiary alliance system of British. In November 1947, Sir Mir Osman Ali Khan did a standstill agreement with Dominion of India intending to remain free after partition. Fearing the establishment of Communist state and rise of militant *Razakar*, the Indian government invaded the princely state in September, 1948 under 'Operation Polo', a military action from Indian side. Finally, the Nizam compelled to sign the instrument of accession. He also enjoyed the facility of privy purse but later on it was ended with 26th Amendment of Indian Constitution.

Check your progress

1. What are the major challenges India faced in the aftermath of partition?
2. Discuss the trajectory of India as a nation.
3. What do you mean by refugee? How the problem was addressed in the post partition period.
4. Was partition a challenge for nation building process? Give your arguments.
5. Discuss the process of integration of princely states in India.

Privy Purses

The concept is a payment process to the royal families for their agreement to merge with India.

By the 26th amendment to the Constitution of India, 1971 withdrew recognition of the princes as rulers, took away their remaining

privileges, and abolished the remuneration grated to them by Privy Purses.

In the aftermath of independence, the new India faced abysmal challenges from different angles. The Hindu-Muslim communal clashes had destroyed the societal bondage among the people. Furthermore the partition had sharpened the differences as Hindustan is for Hindus and Pakistan for Muslims. The Muslim concentrated areas i.e. Baluchistan, Sindh, Western Punjab, Khyber Pakhtunkhwa and East Bengal were bifurcated from India for the creation of Pakistan. There was a massive migration as Hindu people from Muslim dominated area prefer to go to Hindu concentrated areas and vice versa.

1.4.5 Precarious Socio-Economic Infrastructure

Although India attained her complete liberty with the independence but apart from political liberty as guaranteed by the constitution, all others were remained a distance dream as society, economy, culture etc. were not in a proper shape to resilient after the long struggle for independence. People were being struggled for basic amenities. There was nothing in terms of modernity i.e. technology, drainage, irrigation, industries and so on. The British colonizers were just for exploiting the resources and particularly raw materials from India. Secondly, most of the people had direct or indirect contribution in national freedom struggle and ultimately the cumulative production in those days had decreased abysmally. Thirdly, the partition induced communal clash had devastating impact in the socio-eco-cultural setting. Nothing remained under control; the instable society had gruesome impact in the economic sector. Fourthly, huge migration induced displacement destroyed the foundation of society. One hand migrated people were considered as refugee and at the same time their contribution remained nil for couple of decades. Furthermore, migrated people had faced citizenship crisis in the following years. Finally, the social heterogeneity destroyed the cultural bondage in the post partition period.

1.4.6 Partition, Displacement and Rehabilitation

It was a great challenge for independent India that as many as 15 million people were uprooted due to partition. Undeniably, the migration was a situational demand as religious identity had been sharpened everywhere and subsequently an irresistible turmoil faced by the common people. It was quite painful for them to leave their homeland permanently but had no alternate option was there. Although people exchanged their properties, but which was quite impossible for all and even people did not get proper sale value in such a horrible situation. Furthermore, it was not easier for them to settle down in their new location and subsequently a new issue emerged in terms of refugee. The nation needs to consider the problem of refugee on humanitarian ground and they were ensured food, shelter, medicine and other basic amenities. Considering the emotional mayhem of losing one's homeland, the government had initiated different schemes and even citizenship was entrusted to them in the course of time. There was an agreement between India and Pakistan on resolving the citizenship crisis with mutual understanding. By the Indian Citizenship Act 1955, a huge number of refugees were given citizenship in India. In this context, it would be important to mention here that a huge number of Indian Muslims migrated to Pakistan at the time of partition also returned after getting normalcy here. The introduction of Citizenship Amendment Act 2019 is acutely related with people towards the non Muslims of neighbouring countries including the refugee of partition. It becomes a debatable issue in the present context of Indian politics.

1.5 Summing Up

India attained her independence in the year 1947. As a new nation, India had faced multiple challenges in different capacities. Democracy was adopted but India was remained tender in age to sustain democracy. With the partition, the entire geopolitical setting of India witnessed a massive fragmentation and which has become normal in the subsequent period. Here,

1. The socio-political situation of India was remained volatile for couple of years in the aftermath of independence movement. The immediate affect was partition, emergence of two nations on the basis of religion. Eventually a huge mobilization of

people was there throughout India. The communal bloodshed really destroyed the historical bondage among the people. Even the memory of independence was erased by the communal clashes and even both the countries became mutual enemy within short span of time. The rule of Britishers sometimes questioned that partition is accidental or British creation. Notable point is that resetting of nation is quite difficult at that time.

2. After Independence, India had witnessed a precarious situation in terms of economy for devastating impact of World War II. Basically India was a prominent supplier of military as well as food grains for the British. One hand the people were being engaged in perennial fighting for independence and at the same time unavoidable impact of World War II, the situation was worsened abysmally. Furthermore, people had to face different health hazard due to their poor infrastructural facilities.
3. The partition on the basis of religion was not a proper solution for India as thousands of Muslim remained within the geopolitical space of India. Initially most of the people exchange their property as Hindu from Pakistan definitely preferred India and Muslims also preferred Pakistan. However, it was quite difficult to exchange their land and other properties. It did not happen that all the people were in favour of partition as the standing of liberals, moderate and people with inclusive mindset rejected such proposals. Pertinent point is that a major chunk of political leaders including the constitution framer literally provided space for all religion. On one hand the modern liberal personalities were in favour of inclusive society and other hand it was a situational demand that the Muslims in India outnumbered even the then Pakistan. Undoubtedly considering the security issue, advantages or disadvantages, a huge number of people migrated but later returned in course of time.
4. The partition of India impelled a massive migration of people. Despite poor transportation system, people migrated from one location to another and it was the highest displacement in the world history. The transnational movement created the issue of citizenship as people were remained confused for couple of years. Hence people had suffered from contested identity and subsequently faced unequal treatment for year after another.
5. The administrative setting was severely affected due to partition. The personnel preferred safe destination and got

better opportunities in new administrative setting. But entire system was destabilized for partition induced migration.

6. In the aftermath of partition, the demand for reorganization of states on the basis of language was a massive challenge for the newly independent nation. Gradually the demand had become stronger and within the decade the nation had to gone through reorganization of states.
7. Finally, it had required couple of years to realize India as a nation. There were some unavoidable issues i.e. separatist tendencies, dissatisfaction over internal boundaries, provision of privy purses and so on. The issues unfolded multiple challenges in the unity and integrity of India.

In conclusion, it is pertinent to say that emergence of India as a nation requires manifold transformation. The diversity usually constricted in smooth functioning but at the same time it is the strength of Indian nationhood. The constitutional values provide enough space to maintain peaceful coexistence. However, the challenges emerged in the aftermath of partition had been replaced with new challenges in the course of time.

1.6 Reference and suggested readings (including possible internet sources)

1. Brass, Paul R. (1990) : The Politics of India Since Independence, Cambridge, New Delhi
2. Chandra, Bipan, Mridula Mukherjee and Aditya Mukherjee (2008): India Since Independence, Penguin Books, New Delhi
3. Dhiman, S. C. (2014): Princely States, the Muslim League and the Partition of India, Neha Publishers, New Delhi
4. Menon, V. P. (2014): Integration of the Indian States, Orient Black Swan, New Delhi
5. Nag, Sajal, Tejimala Gurung and Abhijit Choudhury (2009): Making of the Indian Union Merger of Princely States and Excluded Areas, Akangsha Publishing, New Delhi
6. Politics in India Since Independence, NCERT Text Book
7. Singh, Jaswant (2009): Jinnah: India, Partition, Independence, Rupa Publication, New Delhi

1.7 Model Questions

1. Discuss the background of Indian Nationalism?
2. Highlight the major reasons of partition?
3. What are the major challenges faced by India in the aftermath of partition?
4. Give a pan picture of integration policy of princely states by Sardar Patel.
5. Discuss the reasons behind the partition of India?
6. How the British colonizer administered Indian society? Explain the national movement for independence.
7. 'Plurality is the strength of Indian society' discuss with arguments?
8. What are the policies usually applied by British for annexation of territories in India?
9. Is democratic form of government suitable for Indian society? Give your own arguments.
10. What are the major features of India as a nation?
11. Discuss the contribution of Sardar Patel in the integration policy of India states?

UNIT 3

Reorganisation of the states

Unit Structure :

3.1 Introduction

3.2 Objectives

3.3 Reorganisation of the States in India on Linguistic Basis

3.3.1 The Role of the National Leadership

3.3.2 The Action Plan

3.3.3 The Creation of Andhra Pradesh

3.3.4 States Reorganisation Commission

3.3.5 Linguistic Reorganisation of Sensitive Regions: An Overview

3.4 The Consequences of Reorganisation

3.5 The Issue of Minority Languages of India

3.5.1 Constitutional Safeguards for Linguistic Minority Communities

3.6 Summing Up

3.7 References and Suggested Readings

3.8 Model Questions

3.9 Answer to Check your Progress

3.1 Introduction

Reorganisation of the states in India was a strategic move made by the Government of independent India in order to bring order and give a definite structure to the administration of the country. Since ancient times India has been a country filled with diversity. This diversity is reflected in India's multiple cultures, languages, religions, customs and ethnic groupings. However, there has always been a sense of unity that has been able to manage this diversity. Hence the Indian civilization was

able to survive such long historical journey. The boundaries of India's provinces also have never been drawn on any of these grounds.

Till independence, almost all of India's provinces were multi- religious, multicultural and multi-lingual. This proved advantageous to our national leaders when they started mobilizing the masses in the interest of the freedom struggle against British rule.

However, language as a tool of drawing boundaries became prominent in the early 20th century. One of the activities undertaken by the British in India was the spread of modern education in the country. Only through the median of mother tongue can education be spread among the masses. Also language is very closely related to culture and customs. It is the only source through which the masses could successfully become part of the political and administrative systems.

The leaders of the Indian National Congress were the first to realise that important role language could play in mobilizing the masses well as structuring them. Congress reorganised its regional branches on the basis of linguistic grounds. This in turn gave birth to the idea of the organisation of Indian states on linguistic basis once India attained independence.

3.2 Objectives

This unit is an attempt to understand the phenomenon of reorganisation and creation of states in independent India on the basis of linguistic identities. After going to this unit you will be able to understand-

- The necessity of reorganisation of Indian states
- The purpose behind choosing language as the basis of reorganisation
- Official steps taken towards reorganisation
- The idea behind reorganisation of major states
- The consequences of reorganisation
- The constitutional provisions and safeguards with regards to minority linguistic communities in India

3.3 Reorganisation of States in India on Linguistic Basis

The reorganisation of Indian states was a strategic step that was anticipated by many experts. Firstly, Indian nationalism promoted during the freedom struggles had found expression in terms of linguistic grounds. This was because all national leaders are regional leaders first

fast and foremost and it is most convenient to mobilise masses in their mother tongue.

Second, India's decision to construct a federal structure of government required both a central government as well as provincial governments. Hence, it became necessary to re-define the boundaries of the Indian states. As it had already been done on linguistic basis during the freedom struggle, reorganising the states on linguistic terms seemed to be the simplest of available solutions.

Thirdly, drawing up provinces in India on the basis of language was the dream of leaders like Mahatma Gandhi. Gandhiji believed that the regional languages could develop to their fullest terms only if the provinces were to be reorganised on linguistic basis. The Indian National Congress successfully experimented with this during the freedom movement. Hence it was more or less assumed that independent India would be drawn on the lines of linguistic boundaries for a seamless administrative setup to be established.

Stop to Consider

- In simplest terms, reorganisation of states on linguistic basis means carving out the boundaries of a state on the basis of the concentration of the majority speaking population of that particular region.
- In the early 1920s, the Indian National Congress had reorganised its regional branches on the basis of language.
- Leaders like Gandhiji believed that reorganisation of the Indian states on a linguistic basis will strengthen the unity of the nation.

3.3.1 The Role of National Leadership

As mentioned earlier, creation of states and territories in India on the basis of language was a strategy that gained momentum during the British rule in India. A glowing example of this was the creation of Orissa as a state in India on the 1st of April, 1936 on the basis of language. The creation of Orissa was the result of a prolonged linguistic movement that started in the year 1895 under the successful leadership of Madhusudan Das, Gajapati Krushna Chandra Dev etc.

However, the national leadership, who envisioned such a redistribution during the freedom struggle days, had second thoughts about linguistic

redistribution of states after India attained independence. Some of the reasons behind this were—

1. An important consequence of independence of India from British rule was the Partition of India into two sovereign nations of India and Pakistan. This partition resulted in serious administrative, political, social and economic problems in the country.
2. As a emerging state, India faced issues related to security, economy, law and order.
3. The issue of Kashmir and the fight between India and Pakistan over Kashmir that continues to persist till date.
4. Unwillingness of the national leadership to further damage the unity of India by bringing about divisive issues like borders and boundaries.

Under such circumstances, leaders like Jawaharlal Nehru felt that there were issues far more important than reorganisation of the states. First and foremost, the national leadership aimed at strengthening the stability and security of the country. They also attempted to avoid issues that might hamper the fragile unity over which India stood. That included issues like region, regionalism and language.

Despite such efforts, the issue of linguistic reorganisation of states was raised in the Constituent Assembly immediately after independence. There were several reasons behind this—

- Firstly, independent India was composed of an amalgamation of 571 princely states that were merged together as 27 states. However, such a merging was conducted on a temporary basis.
- Secondly, many communities and their regional leadership were unhappy with this temporary merging of states and started demanding for their own states based on linguistic grounds.

Stop to Consider

- On the 1st of April, 1936, the state of Orissa was created. It was the first Indian state created on linguistic grounds.
- After India's independence, the national leadership was initially hesitant to move forward with the linguistic reorganisation of states.
- Administration, development, security, economy, law and order and unity were issues that were given priority to by the government over reorganisation.

- After independence, 571 princely states of India were merged temporarily to form 27 states.

Check your Progress

1. What is the role of language in our lives?
2. When was the state of Orissa created?
3. What were the issues faced by India immediately after indepencence?
4. Why did Mahatma Gandhi support reorganisation on the basis of language?

3.3.2 The Action Plan

The Linguistic Provinces Commission or The Dar Commission

On the 17th of June 1948, the Constituent Assembly of India appointed the Linguistic Provinces Commission in order to look into the possibility of constructing Indian States on the basis of language. This

Self assessment Questions

Do you think the national leadership pre and post independence played a positive role in the reorganisation of Indian states? Discuss in detail. (20+60 words)

Commission was headed by Justice S. K. Dar and hence, it was popularly known as the Dar Commission.

The Dar Commission enquired upon the desirability and feasibility of reorganising the states on a linguistic basis and reported that under the current circumstances, it was an unadvisable step. It might further lead to conflicting situations in the country. According to the Dar Commission, this step, if taken by the government, might prove harmful to the administrative set up as well as the unity of the nation.

Once it was made public, there was a huge uproar against the report submitted by the Dar Commission to the Constituent Assembly. Particularly, in the southern regions of the country.

The JVP Committee

The appointment of the JVP Committee was an attempt to pacify the vocalists of the arising linguistic movements all over the nation. This Committee was constituted by the Indian National Congress, the then ruling party in December 1948. It was composed of three very prominent members—

- Pandit Jawaharlal Nehru (the then Prime Minister of India)
- Sardar Vallabhbhai Patel (the then Deputy Prime Minister of India and Minister of Home Affairs)
- Pattabhi Sitaramayya (the then President of Indian National Congress)

Like the Dar Commission, the JVP Committee too, was against the reorganisation of states for the time being. According to the JVP Committee Report, the issues of unity, national security and economic development were rather pertaining. These issues required immediate administrative attention rather than reorganisation of states.

At the same time, the JVP Committee also pointed out that with regards to regions where formation of states on the basis of language was an insistent and overwhelming need, the creation of new states would be put under consideration. This would, of course, require the consent of all the linguistic groups based on that particular region.

Stop to Consider

- The Constituent Assembly appointed the Dar Commission in 1948 to look into the possibility of rerganisation of Indian states immediately after India's independence.
- The Dar Commission in its reported that reorganisation, at that moment, might hamper the administration as well as Unity of the country.
- People all over India, especially South India, opposed to and protested against the Dar Commission report.
- The Congress Appointed the JVP Committee in December 1948 to study whether reorganisation on a linguistic basis was still a possibility.
- Although the JVP Committee felt that there were issues India was facing that were far more important than reorganisation, yet it could done on a need-based criteria.

Check Your Progress

1. When was the Dar Commission appointed?
2. Did the Dar Commission suggest for reorganisation of Indian states?
3. Who were the members of the JVP Committee?
4. What, according to the JVP Committee, were the issues more important than reorganisation that India was facing post independence?

3.3.3 The Creation of Andhra Pradesh

The creation of Andhra Pradesh was an epic moment in the history of reorganisation of Indian states. For a long time, the Tamil and Telugu speaking population of that region were a part of Tamil Nadu. Since the beginning of the 20th Century, the Telugu speaking population concentrated around the Andhra area had been demanding a separate state for them – "Andhra Pradesh".

Self Assessment Question

Discuss the role played by various committees appointed by the Government of India to look into the reorganisation of India on linguistic basis after independence. (40+40 words)

The JVP Committee had recognised the need and validity of creation of Andhra Pradesh but was in no hurry to take concrete steps towards the same. This gave birth to a number of protests and movements all over the Telugu speaking region of Tamil Nadu. One such incident was the fast unto death by popular social activist and freedom fighter Patti Sriramalu. Sriramalu started his fast on the 19th of October, 1952 and tragically expired on the 58th day of his fasting. This created a huge uproar in Andhra followed by protests, riots, hartals and even mass violence. Soon after, the situation went out of control.

The Government decided to resolve this issue by agreeing to create a separate state of Andhra Pradesh carved out of Tamil Nadu. The Tamil speaking leaders of this region were also agreeable to this decision. However, a problem arose with the issue of Madras city. Both Tamil Nadu and Andhra Pradesh wanted Madras as a part of it. Logically, Madras belonged to Tamil Nadu on both linguistic as well as

geographical terms. As such, the leaders of Andhra in the later days, gave up this demand.

On the 1st of October, 1953, Andhra Pradesh was born as a Telugu speaking state. Tamil Nadu has since been recognised as a state predominated by a Tamil speaking population.

Stop to Consider

- The state of Tamil Nadu, before reorganisation, had two major linguistic groups – the Tamils and the Telugus.
- The Telugu speaking population resided in the region of Andhra and had been demanding for a separate state since the beginning of the 20th Century.
- After a long series of protests, in October 1953, Andhra Pradesh became the first Indian state to be created on a linguistic basis post the independence of India.

Check Your Progress

1. When was the state of Andhra Pradesh created?
2. Who was Patti Sriramalu?
3. Which was the city that both Tamil Nadu and Andhra Pradesh demanded for?

Self Assessment Question

Discuss the circumstances that led to the creation of Andhra Pradesh as a state in 1953. (60 words)

3.3.4 The States Reorganisation Commission

Today, if we reflect upon the issue of reorganisation of states in independent India on a linguistic basis, we well observe that two elements played a very significant role in accelerating the process. These are –

1. The first and foremost element was the creation of the Telugu speaking state of Andhra Pradesh after a successful mass movement. This directly encouraged other linguistic groups

belonging to different regions of India to raise or further strengthen their own demands for separate states.

2. The second element was the nature of the then most powerful person in India, Prime Minister Pandit Jawaharlal Nehru. Nehru was a rather benevolent and liberal leader. Although he supported reorganisation of states, Nehru was of the opinion that India needed to mature and develop as a nation first before such a step was undertaken. But at the same time, Nehru did not strongly object to the demands raised by the people. In fact, he started believing that a linguistic and strategic separation might, in the later years, strengthen the unity in diversity of India.

In order to look into the issue in detail and to provide a necessary action plan, Nehru appointed the States Reorganisation Commission (SRC) in August, 1953 – coinciding with the formation of Andhra Pradesh. The SRC consisted of three important members:

1. Justice Fazl Ali
2. K. M. Panaikar
3. Hridaynath Kunzru

For about two years, the SRC was committed to the task of finding the best possible way to reorganise the states of India. During those two years, India faced some extremely volatile situations with protests, agitations and mass violence occurring all over the country. Linguistic, communal and cultural emotions were accelerated to a point that people started clashing against one another with the simplest of excuses. The unity of India as a nation was at stake.

Amidst such a situation, the SRC submitted its report in October, 1955. Following were its major recommendations –

- It recommended the re-drawing of the boundaries of Indian states on the basis of Language.
- It was against the splitting up of two states – Punjab and Maharashtra.
- It suggested to reorganise the states into 16 states and 3 Union Territories.

Most of the recommendations of the SRC were accepted by the Indian Parliament. Some modifications were made though. In November 1956, the States Reorganisation Act was passed in the Parliament. The following were the major decisions implemented by the government of India through the Act –

1. The Act provided for the reorganisation of Indian states into 14 states and 6 Union Territories.

2. The Telengana area of Hydrabad was to be included in Andhra Pradesh.
3. The Madras district of Madras Presidency and Travancore-Cochin were amalgamated to give birth to Kerela.
4. The Kannada speaking areas of Bombay, Madras, Hydrabad and Coorg were to be included in the Mysore state.
5. The Marathi speaking areas of Kutch, Saurashtra and Hydrabad were to be included in Bombay.

States created by the SRC Act, 1956

1. Andhra Pradesh
2. Assam
3. Bihar
4. Bombay
5. Jammu and Kashmir
6. Kerela
7. Madhya Pradesh
8. Madras
9. Mysore
10. Orissa
11. Punjab
12. Rajasthan
13. Uttar Pradesh
14. West Bengal

Union Territories created by the SRC Act, 1956

1. Andaman and Nicombar Islands
2. Delhi
3. Himachal Pradesh
4. Laccadive
5. Minicoy and Amindivi Islands
6. Manipur and Tripura

Stop to Consider

- Jawaharlal Nehru appointed the States Reorganisation Commission in August, 1953 to provide a necessary action plan for the reorganisation of the Indian states in a scientific manner.
- In 1955, the SRC recommended the redrawing of Indian states on the basis of language into 16 states and 3 union territories.
- The Indian Parliament passed the SRC Act in November, 1956.

- According to the Act, Indian states were reorganised into 14 states and 6 union territories.

Check Your Progress

1. Who were the members of the States Reorganisation Commission?
2. When did the SRC submit its report?
3. When did the Parliament of India pass the States Reorganisation Act?
4. What were the major recommendations of the States Reorganisation Act?

Self Assessment Questions

What were the circumstances that led to the establishment of the SRC? Discuss its major recommendations? (30+30 marks)

Discuss the major implementations made through the States Reorganisation Act,1956? (40 words)

3.3.5 Linguistic Reorganisation of Sensitive Regions: An Overview

Formation of Maharashtra

As mentioned earlier, the SRC Report was against the reorganisation of Maharashtra. Hence, the SRC Act had made no provisions with regards to Maharashtra. This was met with huge protests in the entire region of greater Maharashtra. The regional leaders, in this regard had support from all sections of society – students, workers, farmers, businessmen, artists. Even before the SRC Act was passed in the Parliament, protests started in Maharashtra against its implementation. In January, 1956 there was a huge riot in Maharashtra that ultimately lead to a police firing killing 80 protesters.

This incident brought the government under tremendous pressure and a decision was taken to divide the province of Bombay into two separate states based on linguistic grounds –

1. Maharashtra comprising of the Marathi speaking population
2. Gujarat comprising of the Gujrati speaking population.

It was also decided that Bombay city would be established as a Union Territory. This move was again, strongly protested against. As a result, in July 1956 the Government decided to form a greater and bilingual Bombay. People belonging to both Maharashtra and Gujarat were against this decision. Even regional leaders of Indian National Congress protested against this. Neither the Marathis nor the Gujaratis were ready to give up Bombay to the other state. As a protest against this new decision, protests and violence spread all over Maharashtra and Gujarat again. In Ahmedabad alone, 16 people were killed in police firing.

Under such circumstances, the Government decided to refrain from making any immediate decisions. For almost five years, protests and agitations continued to occur in the region. In May 1960, under the influence of INC President Indira Gandhi and President of India Dr. S. Radhakrishnan, did the government arrive at a solution regarding the reorganisation of Bombay. The state of Bombay was finally divided into Maharashtra and Gujarat. The city of Bombay was included in Maharashtra as its capital and Ahmedabad was declared as the capital city of Gujarat.

Stop to Consider

- The SRC Report was against the reorganisation of Maharashtra.
- Following huge protests and riots, in 1956 the government decided to divide the province of Bombay into two states – Maharashtra and Gujarat.
- Bombay was reorganised in 1960 into two states with Bombay as the capital of Maharashtra and Ahmedabad as the capital of Gujarat.

Formation of Nagaland

Nagaland, belonging to the North-Eastern region of India became the 16th state of independent India on the 1st of December, 1963. The area of Nagaland, situated mostly on the Naga Hills was technically never an administrative part of Ancient of Medieval India. The British rulers, to a certain extent were able to consolidate Nagaland into its administrative fold but a number of exemptions were made. However, since the beginning to the 20th Century, the Nagas had been demanding self-rule and autonomy within Assam. In order to pacify their demands, even the Government of India Act, 1935 had declared Naga areas as Excluded areas.

At the onset of the independence of India, the Nagas led by the Naga National Council (NNC) were aggreable to be a part of independent India and wanted to be constitutionally included in an autonomous Assam. But after 1946, they had a change of mind and decided to assert their right of be a sovereign state separate from India.

Nagaland remained a part of Assam after independence and gradually a huge mass movement emerged under the leadership of the NNC for a sovereign Nagaland that led to a series of violent incidents. As a solution to this, the government of India created a separate Union Territory comprising the Naga Hills in 1957 naming it Naga Hills Tuensang Area (NHTA). The tribes withing the region were not satisfied with the creation of NHTA and cases of violence and agitations started to increase.

In July 1960, Prime Minister Jawaharlal Nehru arrived at an agreement with the Naga leaders to recognise the formation of a full-fledged state of Nagaland within the Union of India.

Stop to Consider

- On 1st December 1963, Nagaland became the 16th state of India.
- Since the beginning of the 20th Century, the Nagas had been demanding self-rule and autonomy within Assam.
- After independence, the Nagas under the leadership of the NNC started demanding for a sovereign Nagaland separate from India.
- The Government of India tried to resolve the Naga demands by at first granting them the status of a Union Territory and then that of a state.

State of Punjab

The reorganisation of Punjab was a peculiar incident in the history of reorganisation of Indian state. After independence, 8 princely states of North India were united to form the PEPSU – Patiala and East Punjab States Union. This region of India comprised of 3 major linguistic groups –

1. Punjabi
2. Hindi and
3. Pahadi

In 1956, the states of PEPSU were merged as one state – Punjab. The SRC report was completely against further reorganisation of Punjab as it proved to be more of a communal issue than a linguistic one.

Since the birth of PEPSU, leaders and general population of the region had been demanding a reorganisation. This was especially so in the Punjabi speaking areas of the state. Two powerful political parties were heavily involved with this movement – the Akali Dal and the Jan Sangh. Their demand, to carve out a Punjabi Suba or Punjabi speaking state out of PEPSU.

The major issue with this demand was the mixing up of communal feelings with the issue of language. Akali Dal is a Sikh communalist political party who wanted Punjab to be established as a Sikh state. In their demand for Punjab, they took the support of Punjabi language with the explanation that Punjabi was their mother tongue as well as the language of the Sikh. Thus mixing religion with language.

Their opposition party in PEPSU, the Jan Sangh identified itself as a Hindu communalist party. Jan Sangh was vehement in its protest against the formation of Punjab and denied to accept Punjabi as the mother tongue of the Hindu population of the region.

The Government of India primarily viewed the issues of Punjab as communal rather than linguistic. For Nehru as well as other national leaders, the demand for a separate Punjab was in reality the demand for a state to be established on the basis of religion under the veil of a linguistic basis. On this very ground, The SRC refused the formation of Punjab as a state.

However, between the period of 1956 and 1966, movements and protests continued in the region over reorganisation with no imminent solution. In 1966, the then Prime Minister of India Indira Gandhi agreed to the division of Punjab. As a result of this-

- Punjab was created as a Punjabi-speaking state.
- Haryana was created as a Hindi-speaking state.
- The district of Kangra and a portion of the district of Hoshiyarpur, that were pre-dominated by Pahadi-speaking people were merged with the state of Himachal Pradesh.
- The newly built city of Chandigarh was declated a Union Territory as well as the joint capital of both Punjab and Haryana. A set-up that continues to exist till date.

Stop to Consider

- Formed after India's independence, the state of PEPSU consisted of people belonging to three major linguistic groups – Punjabi, Hindi and Pahadi.
- Two powerful political parties of the region were involved in the movement for the reorganisation of Punjab – the Akali Dal and the Jan Sangh.
- The central leadership felt that this demand was in fact a communal demand under the veil of a linguistic one.
- After a long period of struggle, in 1966 the Government of India agreed upon the division of Punjab.
- Punjab was born as a Punjabi speaking and Haryana was born as a Hindi speaking state with the Pahadi speaking regions getting merged with Himachal Pradesh.

Self Assessment Question

Under what circumstances were the states of Maharashtra and Gujarat created? (40+40 words)

How was the issue of reorganisation of Punjab resolved? (60 words)

Check Your Progress

1. Was the SRC in favour of creation of Maharashtra and Punjab?
2. Into which states was the Province of Bombay reorganised?
3. When was the State of Nagaland created?
4. What is the full form of NNC?
5. What is the full form of PEPSU?
6. What were the three major linguistic groups of the PEPSU?
7. Is the Akali Dal a communal political party?

3.4 The Consequences of Reorganisation

Although the SRC Act, provided for the creation of 14 states only, the process of reorganisation of states that continued for a long time gave birth to a total of 28 states in the Union of India till present time.

While Maharashtra and Gujarat became the 14th and 15th states, Nagaland was established as the 16th state of the country. Punjab became two states of Punjab and Haryana taking the toll up to 17. In 1969, Meghalaya carved out of Assam became the 18th state of India. In 1971, the Union Territories of Himachal Pradesh, Manipur and Tripura were granted the status of States thus increasing the count to 21. In 1975, Sikkim and in 1987 Mizoram, Arunachal Pradesh and Goa were reorganised as states. Three new states Chattisgarh, Jharkhand and Uttarakhand were carved out of Madhya Pradesh, Bihar and Uttar Pradesh in November 2000. That last state to be reorganised in India is Telengana which was created in 2014 by carving out Andhra Pradesh. Delhi, the capital of India, emerged as a Union Territory.

At present the Union of India is composed of 28 states and 8 Union Territories.

It cannot be said that states reorganisation has been able to solve all the issues relating to linguistic conflicts in the country. Disputes over inter-state boundaries, economic issues and linguistic minorities still continues to persist in India. However, reorganisation was able to deal with one major factor affecting the unity of the nation – that was managing the dispute over language amongst various linguistic majorities in different parts of India and drawing up boundaries between states with a universally agreed upon and rational element.

3.5 The Issue of Minority Languages of India

India is multi-diverse and one of the most interesting facets of this diversity is, of, course, language. According to the 2001 Census Report of India the number of mother tongues spoken by the people of India totals up to 19,569. Of those, 121 languages are spoken by more than 10,000 people. As of now, 22 of those languages are officially recognised in the Eighth Schedule of the Indian Constitution.

Keeping this in mind, it was impossible to carve out any state in India that would have been a Unilingual state. Every territory would have one or two majority linguistic groups with a number of minority linguistic communities. Hence, it was very important for the Government of India to look into the cause of the minorities in each and every state. In this regard, the Government emphasised on undertaking certain important steps –

- Promoting their integration with the majority linguistic group in the state. This way, minorities will be protected against unfair treatment.

- Creating an environment where the language and culture of the minority communities would continue to exist and develop.
- Ensuring that no separatist tendencies would further develop in the concerned states by checking the activities of both majority as well as minority communities.

During the process of reorganisation, utmost care was taken to achieve the consent of the minority communities of all concerned regions regarding their integration into a state on linguistic basis. This was done in order to prevent further dissent from the minority linguistic groups and with the hope that it would also instigate the feeling of state loyalty

Stop to Consider

- The process of reorganisation of states in India continued for all long duration giving birth to 28 states and 8 union territories in the country.
- Telengana was the last Indian state to be carved out of Andhra Pradesh in 2014. Meanwhile in 2020, Jammu and Kashmir lost it status of a state and was reconstituted as a union territory owing to internal disturbances.
- Although India hosts thousands of linguistic groups, 22 of those languages are officially recognised in the Eighth Schedule of the Constitution.
- During the process of reorganisation, the Indian government took utmost care to protect the interests of the minorities and provided several constitutional safeguards for them.

in them. At the same time, a number of provisions were included in the Constitution of India in order to safeguard the interests of the linguistic minorities residing all over the country.

Self Assessment Questions

How did the Government of India deal with the minority linguistic communities during the process of reorganisation of states. (40 words)

Check Your Progress

1. When was the state of Mizoram born?
2. From which state was Uttarakhand carved out of?
3. Which was the last state to be born in India?
4. How many Union Territories does India have presently?

5. How many official languages are recognised by the Indian Constitution?
6. Is there any unilingual state in India?

3.5.1 Constitutional Safeguards for Linguistic Minoritiy Communities

Article 30

Under Article 30 of the Indian Constitution, the linguistic as well as religious minorities of India have been provided with certain Fundamental Rights such as—

- They shall have the right to establish and administer educational institutions of their choice.
- While granting aid to educational institutions, the state shall not make discriminations against any educational institution based on the fact that it is under the administration of a linguistic or religious minority.

Article 347

Article 347 of the Indian Constitution discusses about a special provision relating to language spoken by a section of the population of a state. It states that any minority community residing within a state may demand to the President of India that the language spoken by them be officially recognised throughout the state or within any specific part of the state. If after sufficient consideration, the President is satisfied with such a demand, he or she might direct the concerned state to fulfill the same.

Article 350B

The Seventh Constitutional Amendment Act, 1956 had inserted a new Article 350B in Part XVII of the Indian Constitution. It was based on a recommendation made by the SRC to establish a special office for linguistic minorities in India.

Article 350B provides for the appointment a special officer for linguistic minorities. He or she was designated as the Commissioner for Linguistic Minorities. He or she shall be appointed by the President of India and would investigate upon all matters relating to the safeguards provided for the linguistic minorities in India. He or she shall submit regular and

periodic reports to the President on such matters. All reports shall be laid by the President in front of the Parliament and also sent to the state governments concerned. Along with these provisions, the Government of India also constituted the National Commission for Religious and Linguistic Minorities on the 29th of October, 2004 to look into different issues with regards to various minority communities in India.

Stop to Consider

- Articles 30, 347 and 350B of the Indian Constitutions specifically deals with the rights of minority linguistic communities in the country.
- The Commissioner for Linguistic Minorities has been designated with the task of enquiring into issues related minority communities in India.
- On 29th October 2004, the National Commission for Religious and Linguistic Minorities was created by the Government of India.

Self Assessment Questions

Discuss in detail the safeguards provided for the minority linguistic communities in the Constitution of India. (60 words)

3.6 Summing Up

Reorganisation of states was a strategic step taken by the Government of India to bring some structure into the formation of states and territories in the country. During the initial years of independence, the Government was hesitant to take such a serious step fearing that the unity and cohesion of the country might be jeopardised by it. But, linguistic communities all over the country started demanding for a reorganisation of the states based on the dominant linguistic groups in a particular region. These demands took the form of different movements and protests in no time. To the Government, of all factors, language seemed to be the one that would be the least threat to the future of the country. To look into this issue, several committees and commissions were appointed during the first two decades of independence.

The SRC appointed in 1953 proved to provide the most helpful recommendations with regards to reorganisation of states. Based on the recommendations of the SRC, the State Reorganisations Act was passed in the Indian Parliament in 1956. This was a historic movement in the history of India. States were carved out and created on the basis of this Act. This was a prolonged process that raised the number of Indian states up to 28.

The Government of India also took utmost effort to realise the rights of minority linguistic communities of every part of the country. Several safeguards were provided for though the Indian Constitution and establishment of Commissions and Ministries specific to their needs.

Reorganisation of Indian states on a linguistic basis was a dream of several of our forefathers including Gandhiji. However, this dream was realised in the country only after decades of struggles, protests, agitations and movements. The Indian Government, again, had to take some alternative routes whiles dealing with some controversial regions like Madras, Bombay and Andhra. The end result of reorganisation might not be in the interest of all linguistic communities in the country, but it was able to draw out concrete regions and boundaries. That to, with the element of language, which in India did not lead to further contestation or hamper the unity and the process of development in the country.

3.7 References and Suggested Readings

1. Brass, Paul. R. *The politics of India since Independence.* Cambridge University Press. 2001
2. Chandra, Bipan. *Ideology and Politics in Modern India.* Har Anand Publications. 2009
3. Chandra, Bipan, Mridula Mukherjee and Aditya Mukherjee. *India Since Independence.* Penguin Books. 2008
4. Chatterjee, Partha. *State and Politics in India.* Oxford University Press. 1998
5. Hasan, Zoya. *Politics and the State in India.* Sage Publications. 2007
6. Kaviraj, Sudipta. *Politics in India.*Oxford University Press. 2001
7. Kohli, Atul. *The Success of India's Democracy.* Cambridge University Press. 2001
8. Kothari, Rajni. *Politics in India.* Orient Longman. 2005

3.8 Model Questions

1. What was the basis of reorganisation of states in India? Discuss the history behind reorganisation.
2. Write a note on the creation of the state of Orissa.
3. Write a note on the role played by the JVP Committee in the process of reorganisation of Indian states.
4. When was the States Reorganisation Commission appointed? Who were its members? Discuss the major recommendations of the SRC.
5. How were the states of Maharashtra and Gujarat created?
6. Discuss the situations that lead to the creation of Punjab and Haryana.
7. Write a note on the steps taken by the Government of India to safeguard the interests of the linguistic minority communities in the country.
8. Do you think that reorganisation of the states in India on a linguistic basis was a success? Discuss its consequences.

3.9 Answer to Check Your Progress

Check Your Progress

1. Was the SRC in favour of creation of Maharashtra and Punjab? **No**
2. Into which states was the Province of Bombay reorganised? **Maharashtra and Gujarat**
3. When was the State of Nagaland created? **1st December, 1963**
4. What is the full form of NNC? **Naga National Council**
5. What is the full form of PEPSU? **Patiala and East Punjab States Union**
6. What were the three major linguistic groups of the PEPSU? **Punjabi, Hindi and Pahadi**
7. Is the Akali Dal a communal political party? **Yes**

UNIT 5

Demands for Self Determination and Insurgency: Jammu and Kashmir and Assam.

Unit Structure :

1.1 Introduction.
1.2 Objectives.
1.3 Meaning of Self Determination and Insurgency
1.4 Right of Self-Determination
1.5 Self- Determination as a Human Right
1.6 Self-Determination and Indigenous People
1.7 Jammu and Kashmir and Self-Determination
1.8 Meaning of Insurgency
1.9 Insurgency and Assam
1.10 Summing Up

1.1 Introduction.

The ideas of self-determination and insurgency is something which every nation-state has been facing ever since the formation of the very idea called the political State. India has also been witness to many such events since independence. The unification of India was itself based on many technicalities which required political intervention and manoeuvring.

1.2 Objectives.

The concepts of Self-Determination and Insurgency is something very important at the socio-political level and hence a discussion on it helps a student to understand the concepts better. India has seen several political violent as well as non-violent movements in relation to self-determination and insurgency. In fact the very structure of the state has been challenged at times by issues relating to self-determination and insurgency. After going through this unit, you will be able to

Trace the idea of Self-determination and Insurgency

Analyse and deconstruct he concepts of self-determination and insurgency

Evaluate the impact of Self-determination and Insurgency

Discuss the consequences of Self-determination and insurgency on the State.

1.3 Meaning of Self-Determination

Self-determination, the process by which a group of people, usually possessing a certain degree of national consciousness, form their own state and choose their own government. As a political principle, the idea of self-determination evolved at first as a by-product of the doctrine of nationalism, to which early expression was given by the French and American revolutions. In World War I the Allies accepted self-determination as a peace aim. In his Fourteen Points—the essential terms for peace—U.S. President Woodrow Wilson listed self-determination as an important objective for the postwar world; the result was the fragmentation of the old Austro-Hungarian and Ottoman empires and Russia's former Baltic territories into a number of new states. The emergence of the self-determination of nations dates to the periods of bourgeois revolution. In the 19th century bourgeoisie proclaimed the "principle of nationality" in Europe but it was not recognized even in European international law and some of European multinational empires against the principle of self-determination. The influence of the Soviet Union on international community, the democratic and national liberation movement against the fascism during the Second World War included the principle of self-determination in the UN Charter.

Self-determination developed in three differing but not necessarily exclusive contexts: morality, politics and law. Within moral theories, the idea of self-determination is derived from a specific understanding of the human nature that can be traced through the history of liberal thinking at least since the Enlightenment: the person as capable of rational reasoning and the idea of the autonomy of the person. This autonomy of the person, as in the Kantian philosophy, is often regarded as the source for the human dignity and gives the person its inherent value.The natural rights of all humans are then deduced from this absolute value of the person. Sure, this conception of natural rights has been challenged and today even liberal theories of human rights are not necessarily based on the assumption of human dignity. But the general perception of the person as autonomous and capable of rational

choices remains the bases of the liberal idea of the right of self-determination. Taking the liberal concept of self-determination further, it leads to the idea that the only legitimate government is that which has been authorized by the people themselves in their capacity as autonomous agents. This exercise of the constitutive power of the people is a manifestation of their political self-determination in the internal sense. Thus, the liberal concept of self-determination is linked to the idea of popular sovereignty and participation. These ideas have influenced political theories and are reflected in the debate on self-determination as the exercise of the constituent power of the people, popular sovereignty and democratic theories. The development of self-determination in international law is based on moral considerations on justice and political considerations resulting from political struggles. In recent years the scope of the right of self-determination has expanded due to changing state practice, the acknowledgement of group rights and the claims of indigenous peoples. It has even been argued that the right of self-determination forms part of jus cogens. Historically, the right of self-determination emerged in international law during World War I in two competing ideological forms, reflecting the differing worldviews of the East and the West. In Western Europe the concept of self-determination derived from the Enlightenment ideas of popular sovereignty and representative government. In Central and Eastern Europe the concept of self-determination was primarily based on the phenomena of nationalism. As a result, the Western European concept was less linked to ethnic and cultural factors than the Central and Eastern European one. Both concepts were represented by two important figures of that time: Lenin and Wilson. The first and more radical form of self-determination was defined by Lenin, who understood self-determination as a precondition for peace in the world and his intention was to apply it to all non-European peoples under colonial rule. The second form of self-determination was articulated by Woodrow Wilson. His intention was to apply the principle of self-determination unconditionally to European peoples but not necessarily to peoples under colonial rule. For some decades the Wilsonian restrictive approach to self-determination was the prevailing one and it was only after World War II that the radical approach first promoted by Lenin became the popular understanding of self-determination. By this time the split between the two ideological approaches to self-determination were represented by the Soviet Union on the one side and the European powers on the other side: whereas the Soviet Union challenged the colonial order, the European powers wanted to maintain their colonies. The articulation of self-determination that was subsequently included in the Charter of the United Nations constitutes a compromise between

the two competing ideological conceptions. The Charter, which states that one of the purposes of the United Nations is the development of friendly relations among nations based on the respect for the principle of equal rights and self-determination, remains vague on the actual content of self-determination. In order to accommodate both ideological conceptions of self-determination, the language of the Charter is somehow ambiguous and, although self-administration of non self-governing territories is encouraged, no expressive right to independence is articulated. Instead, it is left to the administering power to decide in accordance with the specific circumstances the manner in which to govern the occupied territories. But although self-determination was enshrined in the Charter of the United Nations, it was for a long time regarded as a mere political principle rather than a legal right.

1.4 The Right of Self-Determination

In international law, self-determination was in the context of De-colonisation when Declaration on the Granting of Independence to Colonial Peoples as General Assembly Resolution 1514 (XV) was adopted by the United Nations in 1960.16 The Declaration states that all peoples have the right to self-determination and that by virtue of that right they shall freely determine their political status and freely pursue their economic, social and cultural development. Yet the content of the right remained vague and ambiguous as it on the one side provided for a right of self-determination, but on the other hand limited that right in emphasising the principle of territorial integrity of states. The right was subsequently included into the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, which was adopted as General Assembly Resolution 2625 (XXV) in 197018 , which provides for a clarification of the obligations of states under the provisions of the Charter of the United Nations. According to the Declaration on Principles of International Law, the principle of equal rights and self-determination of peoples of the Charter of the United Nations embraces the right of all peoples to freely determine, without external interference, their political status and to pursue their economic, social and cultural development. It also imposes a duty on every state to respect this right. The right of self-determination has to be interpreted in accordance with the other principles of international law set out in the Declaration on Principles of International Law. Among these principles are the principle of the general interest of the international community to

preserve international peace and security, the principle of territorial integrity of states and the principle of maintenance of colonial boundaries. The principle of territorial integrity creates a limitation on the right of self-determination, as it does not allow any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. This limitation does not apply in all situations though, as the Declaration refers only to those states "[…] conducting themselves in compliance with the principle of equal rights and self-determination of peoples […] and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour." The principle of *uti possidetis juris* creates limitations on the right of self-determination where independence from a colonial power or secession is sought. It preserves and validates the colonial boundaries of a state. This principle thus applies in disputes about colonial boundaries and therefore only forms a restricted limitation on the right of self-determination. In summary, international law provides for a right of secession in the context of de-colonisation. Outside this context, unless a group has no other option than to secede in order to protect themselves from gross human rights violations, self-determination must be exercised within the boundaries of the existing state.

1.5 Self-Determination as a Human Right

Although the idea of human rights has a long philosophical tradition, it was the human rights movement, which started as a reaction to the atrocities of the World War II that initiated their inclusion into positive international law. As a result, the former League of Nations adopted the Universal Declaration of Human Rights. Thus, when discussing human rights, it must be born in mind that the human rights now forming part of international law evolved from a particular historical, political and ideological framework. Self-determination has been expressively acknowledged as a human right when it was included into the two international human rights covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which came into force in 1976 and constitute legally binding human rights treaties based on the Universal Declaration on Human Rights. The right of self-determination is stated in common Article 1 of the ICCPR and the ICESCR. Common Article 1(3) of the ICCPR and the ICESCR then specifies the right in stating that the realization and respecting of

it shall be in conformity with the provisions of the Charter of the United Nations. Yet, the content of the right of self-determination is not determined and leaves space for interpretation. As human rights have to be balanced with the particular and changing requirements of society, following general legal rules have been elaborated: first, human rights must be interpreted in the context of current standards; second, any limitations on the exercise of human rights are to protect either other rights or to protect the general interest of society; third, any limitations must be considered narrowly and in the context of specific circumstances; and finally, the victim of a human rights violation must bring the claim.

1.6 Self-Determination of Indigenous Peoples

The historical evolution and development of the concept of human rights is derived from the liberal idea of the individual as being entitled to rights and freedoms against the state. Thus, international human rights law has mainly paid attention to the protection of individuals. Although the international community condemned the discrimination of religious minorities, no real protectoral system existed until recently and the emphasis was rather on tolerance than on rights. However, the international community became aware that an individual-centred system alone was not sufficient for protecting the rights of individuals as members of a group or of the group as such. Consequently, group rights have been recognised in international human rights law. These developments lead to the recognition of indigenous peoples as distinctive communities with collective rights. The representatives of indigenous peoples themselves insist on their right of self-determination as their core right. One reason for indigenous peoples to claim a right of self-determination is that such an entitlement would officially state the dignity of their status as a people. But until now no binding international legal instrument expressively establishes such a right and even where the general right of self-determination is included, its scope remains vague and unclear. Yet, there is an increasing acknowledgement of the claims of indigenous peoples by the United Nations and many states, but there is neither consensus on the definition of "peoples" nor of "indigenous." The suggestion of a less monolithic meaning of people takes into account the fact that most human groups live in pluralistic societies. The focus should be on the participation of the different groups and thus "A less majoritarian, more differentiated, participatory and communitarian meaning of 'people' carries opportunities […]. A mature concept of peoples

respects and incorporates diversity and takes strength from it." The main reason for the reluctance by which states applied the term "peoples" in the context of indigenous rights has been the fear that this would lead to a full recognition of their right of self-determination, including a right to secession. This is also reflected in the two Conventions on indigenous rights adopted by the International Labour Organisation: the first Convention from 1957 uses the term populations and the second from 1989, although using the term peoples, makes clear in Article 1(3) that this usage must not be construed as having any implications in regard to its usual meaning under international law – namely the right of colonised people to attain independence. With the elaboration of the United Nations Draft Declaration on the Rights of Indigenous Peoples by the Working Group on Indigenous Populations (WGIP) , the right of their status. as peoples and their consequential entitlement to the right of self-determination becomes acknowledged at the international level. It is now widely accepted that indigenous populations belong to the category of peoples who are entitled to the right of self-determination. Yet, the fundamental questions of interpretation and the content of the right of self-determination under international (human rights) law remain. Does the right of selfdetermination mean the right of a people to be free from external interference and foreign domination (external self-determination)? Or does the right imply the right of a people to assert its will against its own government (internal self-determination)?[1]

SAQs

1 Do you think Self-determination for a community is important?

1 Try to look for examples of communities demanding self-deermination?
2 What is External and Internal Self-determination?
3 Is Self-determination harmful for a State?

Jammu and Kashmir and Self-Determination

On the eve of Independence, there were two categories of territories in India: (1) those under the direct control of the British administration,

[1] www.un.org accessed on 12/08/2021

and (2) princely states, approximately 565, governed indirectly by rulers through subsidiary alliance treaties with the colonial administration. In the latter case, the Maharajas and Nizams retained their de jure positions, but powers over defense, communications, and external affairs remained with the colonial administrators. These territories were given an option to join either of the two dominions (India or Pakistan) or remain independent. Most of the territories joined one of the two dominions on the basis of religion or geographical proximity. Kashmir, however, faced a conundrum: the ruler Hari Singh was a Hindu while his subjects were primarily Muslims, who were held under an oppressive regime. 15 In fact, records would show that Kashmir's struggle for freedom from occupation preceded the Indian accession. Hari Singh's procrastination in acceding to either of the territories by the deadline implied that Kashmir was "technically independent." It was not until an oncoming invasion from the northwestern tribes that Hari Singh decided to finally accede to India in exchange for military assistance. This act was contested by Pakistan as an illegal, nonbinding action, eventually leading to war between the two countries. The Security Council Resolution 47 of 1948, adopted after representation from both the governments, noted that the continuance of the conflict posed a threat to "international peace and security" and that both the countries were in favor of holding a plebiscite within the territory. Towards this, Pakistan was under an obligation to withdraw its own troops from the contested region and withdraw any form of material aid towards the invaders; on the other side, India was under an obligation to reduce the military presence to a number just enough to maintain law and order. The plebiscite, additionally, was to take place under conditions respectful of the choices of the minorities.20 Kashmir was partitioned along a cease-fire line that eventually came to be known as the Line of Control (the "LOC"). For political reasons, the question of holding a plebiscite lost traction by the 1950s. Jammu and Kashmir presented a unique problem: the territory saw three parallel administrations involving Azad Kashmir and the remote northern areas led by a Pakistan-appointed authority (on the Pakistan side) and the Indian Administered Kashmir. This rendered a plebiscite physically and administratively difficult and neither side was agreeable to holding a plebiscite solely in the Kashmir valley and the "uncertain areas around Muzaffarabad." In 1971, India, yet again, entered into war with Pakistan over Bangladesh's (earlier East Pakistan) calls for self-determination that resulted in a large influx of refugees from the neighboring State, who were escaping the Pakistani army-led massacre. India did manage to recapture some of the territory in the Kashmir region during this war, which was finally settled with the

signing of the 1972 Simla Agreement. The Simla Agreement provided that any dispute between the countries would be solved only through "bilateral" or other means agreed upon. Hence, in the Kashmir dispute, India contends, and the UN Secretary General also agrees, that the Simla Agreement has turned the dispute into an "internal matter", by putting an end to the plebiscite question. Nevertheless, the same agreement also mentions that neither country could change the status of the contested territory unilaterally. Kashmir appears to meet all requirements that determine a "people." The Security Council Resolution of 1948 that favored a plebiscite could be said to rest upon this premise. In the first scenario of a nation state preceding the existence of a parent State, the Kashmir issue could be looked at through a decolonization or occupation lens. In Horowitz's views, once a colonized population has exercised its "rights" of self-determination, it expires—the population cannot claim a second chance at determining an alternative form of political governance. However, in the case of Kashmir, one could argue that the princely state could not have effectively exercised this right while under military coercion arising from the indirect colonial administration, and so such right has not been exhausted. Negotiations and resolutions have only treated Kashmiris as the object rather than the subject of law. This is the position several commentators have taken while arguing that Kashmir merely passed on from one colonizer to another.

Stop to Consider

Kashmir as an International Issue

The Indian State has been very apt in handling the Kashmir at various international platforms such as the United Nations as very often Pakistan would take refuge under the UN to drag India at the international platform to discuss the Kashmir issue, which India has repeatedly stated that it is an internal matter of India, and that Pakistan should stop cross border terrorism before taking up such issues at the international level.

1.8 Meaning of Insurgency

Insurgency, term historically restricted to rebellious acts that did not reach the proportions of an organized revolution. It has subsequently been applied to any such armed uprising, typically guerrilla in character, against the recognized government of a state or country.

In traditional international law, insurgency was not recognized as belligerency, and insurgents lacked the protection customarily extended to belligerents. Herbert W. Briggs in *The Law of Nations* (1952) described the traditional point of view as follows:

The existence of civil war or insurrection is a fact. Traditionally, the fact of armed rebellion has not been regarded as involving rights and obligations under international law….Recognition of the belligerency of the insurgents by the parent State or of the contestants by foreign States changes the legal situation under international law. Prior to such recognition, foreign States have a legal right to aid the parent State put down a revolt, but are under a legal obligation not to aid insurgents against the established government.

The status of the faction opposing a government was usually determined by what Charles Cheney Hyde described as "the nature and extent of the insurrectionary achievement." If the government was able to suppress the hostile faction rapidly, the event was described as a "rebellion." In such cases recognition of the insurgents by a third party was regarded as "premature recognition," a form of illegal intervention. If the insurgents became a serious challenge to the government and achieved formal recognition as "belligerents," then the struggle between the two factions became in international law the equivalent of war. Support given to the insurgents by a third party amounted to that foreign government's participation in the war. After World War II the emergence of a number of Communist states and of new nations in Asia and Africa changed the established international legal doctrine on insurgency. Communist states claimed the right to support insurgents engaged in "just wars of national liberation." The new nations resulting from decolonization in Asia and Africa after World War II supported in most cases insurgents who invoked the principle of "national self-determination." The United States and other Western countries in turn rejected such intervention as "indirect aggression" or "subversion." International legal consensus regarding insurgency thus broke down as the result of regional and ideological pressures.

At the same time, humanitarian considerations prompted the international community to extend protection to persons involved in any "armed conflict" regardless of its formal legal status. This was done through the Geneva Convention Relative to the Treatment of Prisoners of War, one of four agreements drafted in August 1949. Members of "organized resistance movements" are protected if in conducting their operations they have acted in military fashion,

whereas insurgents lacking formal belligerent status were not protected under traditional international law.

In the Cold War era, insurgency was treated as synonymous with a system of politico-military techniques that aimed at fomenting revolution, overthrowing a government, or resisting foreign invasion. Those who rejected the use of violence as an instrument of social and political change used the term insurgency synonymously with revolutionary war, resistance war, war of national liberation, people's war, protracted war, partisan war, or guerrilla war, without special concern for either the objectives or the methods of the insurgents. Insurgency referred no longer only to acts of violence on a limited scale but to operations that extended to a whole country and lasted for a considerable period of time. The insurgents attempted to win popular support for the rebel cause, while the threatened government sought to counter the efforts of the rebels. In such contests military operations were closely connected with political, economic, social, and psychological means, more so than either in conventional warfare or in insurgencies of an earlier period.

Modern insurgency tries to create conditions that will destroy the existing government and make an alternative revolutionary government acceptable to the population. While armed violence always plays a major role in such operations, usually initiated by a small activist minority, acts of terrorism are only the most obvious means used by the rebels. Rumours to discredit the government and its supporters, exacerbation of existing social conflicts and creation of new ones between racial, ethnic, religious, and other groups, political intrigue and manipulation to induce clashes between class or regional interests, economic disruption and dislocation, and any other means likely to destroy the existing social order and to deprive the government of its power base, all play a role in fomenting insurgency.

In pursuit of its goals, the activist minority that forms the hard core of the attempt to overthrow the government will try to recruit a limited number of people for direct participation in their movement and to mobilize a large part of the total population as supporters and occasional helpers. The leaders of the insurgency will also make intensive use of propaganda to secure international sympathy and support. The attacked government is expected to lose the will to resist long before it has exhausted the material resources that allow it to remain in power.

Stop to Consider

Insurgency and the North-Eastern region of India has been synonymous in the socio-political lexicon of the Indian State. Insurgency in North-East India has been one of the oldest in the South Asian region as the Naga and the NSCN issue is considered to be the oldest in the region. Almost every State of North-East India is afflicted with the issues of insurgency.

This strategic emphasis on popular support, from which flow important tactical principles, distinguishes insurgency from another technique for the overthrow of an established government, the coup d'état. In an insurgency an activist minority counts on outlasting the government in a protracted struggle with the support of the population. The insurgents use terror tactics primarily and other guerrilla operations such as sabotage, ambushes, and raids. Their resources do not permit an immediate attempt to seize the government's centre of power, the institutions by which the country is controlled. The opposite technique is used in a coup d'état. There, the aim of the conspirators will usually be to seize swiftly the strategically crucial levers of government, paralyze the incumbents, and take over. Thus, coups d'état take place mainly in the capital and require the support of elite units of the armed forces. Popular support is of secondary importance and frequently a coup replaces one government that lacks mass appeal by another with similar characteristics. Coups are therefore usually manifestations of power struggles among various segments of the elite and do not achieve major social changes.

Unlike conspirators plotting coups against the vital centre of a government, insurgents operate initially at the periphery of the governmental system, in the hope that they will destroy slowly the government's will to resist. Insurgencies rarely engulf the whole country in armed clashes. Their leaders seek out targets of opportunity when and where they can inflict maximum damage on their enemy at lowest cost to themselves. Insurgencies and coups have therefore in common the relatively limited use of violence but differ in their goals: unlike typical coups, insurgencies aim at making major structural changes in society.

Insurgency and revolutions are a times used synonymously but there are, however, important differences between insurgencies and revolutions with regard to the total climate of opinion prevailing in the respective society. In an insurgency an activist minority tries to

mobilize the population in support of its goals. In a genuine revolution the population at large has already been mobilized spontaneously by its discontent with the old order and is ready to respond to the appeal of revolutionary leaders. Consequently, genuine revolutions spread faster and generate social waves of greater amplitude than insurgencies. They are also likely to achieve broader social transformations because they respond to more widely shared popular demands than insurgencies which represent at first a minority point of view.

When the climate of opinion is ripe for a revolutionary explosion but equally strongly held contrary views are also present in the respective society, the clash of interests results in a civil war. Like a revolution, a civil war engages broad popular participation and, therefore, raises considerably the level of violence used by both sides. By contrast, in a typical insurgency the rebel minority challenges the forces defending the government amidst a population initially involved only to a limited extent on either side. Without a broad popular base, supporting what is perceived as a "just cause" insurgency cannot attain the broad scope that revolution or civil war can attain, but it can continue to operate for extended periods of time, especially if it receives assistance from foreign powers to supplement a relative scarcity of domestic resources.

Although no insurgency can attain significant proportions without a measure of domestic popular support, the importance of external aid has been documented repeatedly. Without such aid insurgencies tend to fail, whereas an assured flow of foreign supplies and especially a sanctuary beyond national borders for training, regrouping and recuperation allows insurgents who have only limited popular support to continue their activities for a long time, thus imposing enormous strain and ruinous costs on the country. This makes support of insurgencies a powerful weapon for countries that want to exert pressure on other countries. As the covert support given by a foreign government to an insurgency is very difficult to prove, the temptation to use it as an instrument of foreign policy is great and externally supported insurgency, an indirect form of aggression, has become a major problem in international relations.

1.9 Insurgency and Assam

Assam has faced the major brunt of Insurgency since a very long period of time. There are multitude of insurgent groups in the State of Assam, but for our convenience we would be focussing on the United Liberation Front of Assam (ULFA). Assam, an ethnic and cultural

mosaic, carrying in its embrace Ahoms, Bodos, Koch Rajbonshis, Santhalas, Mishings, Dimasas, Kukis, Hmars, Zemis (Nagas), Karbis and innumerable other smaller tribes with a significant presence of Bengalis, Biharis, Oriyas, Nepalis, is truly a mini India. And yet the tragedy is that Assam is burning, bleeding and reeling under the impact of an unprecedented scale of violence. Violation of human rights whether abductions, ransom, extortion by the ultras and other miscreants or the alleged atrocities unleashed by the state machinery continue unabated, making life difficult for the peace-loving Assamese. Unprecedented levels of violence and emergence of several insurgent groups and militant outfits now disturb a once tranquil land of hills, valleys and rivers with an abundance of natural resources. This includes the ULFA mainly in the Brahmaputra Valley, NDFB and BLT in Bodo dominated areas, MULTA in areas inhabited by immigrant Muslims and BLTF in Bengali speaking areas, Birsa Commando Force and All Santhal Cobra Force in the Santhal dominated areas within a short span of time. ULFA, which became synonymous with insurgency in Assam, took shape in April 1979 at the deserted *Rang Ghar* premises in Sibasagar where a handful of youth assembled and pledged to liberate Assam from the rule of Delhi. There were six members at the beginning, Arabinda Rajkhowa, Paresh Baruah, Gopal Baruah, Pradip Gogoi, Bhadreswar Buragohain and Bhimkanta Buragohain.

No one cared to take that event seriously at that moment, but in course of time the ULFA became so prominent that for a brief period in early 90s it was running a parallel administration in some pockets. The agony in Assam stems not only from the failure in bringing about proper integration of the North-eastern region as a whole with the mainstream, but also from certain historical and political factors, specially those of the post-independence period. First, it was demography that contributed the most in the generation of tensions and stress. Then the hijacking of the intractable issues by the extremist forces further complicated the Assam scenario.

It has influenced the educational, social and economic aspiration of countless Assamese which gave rise to powerful assimilationist and nativist sentiments and backlash separatist agitation, to massive conflict over languages, education and employment policy. These migrants in order to protect their landholdings made false declarations that their mother-tongue was Assamese which was reflected in an erroneous representation in 1951 census figures. They then started demanding a share in the power of the state and representation in the state assembly. But, the ethnic Assamese were disinclined to share

with the neo-Assamese, and so started the movement against 'the foreigners'.

The sense of alienation prevailing in the minds of younger generation, the feeling of negligence by Centre, rampant corruption in public life and geographical location of the region have contributed to factors that led to insurgency. In spite of its abundant natural resources, economic imbalance, feeling of utter negligence by the Centre, frustration among educated youths and sense of insecurity in their own land have been identified as some of the causes of insurgency in the state

- Economic causes: The oil wells in Assam produce five million tons of crude oil, but the first refinery to process this crude oil was set up in Barauni in Bihar The state in spite of producing more than 400 million kilograms of tea with a turnover of Rs. 20 billion46, the headquarters of all the tea companies are located outside the state,
- Political cause: The political culture of alienation by distant Delhi has resulted in inept handling of even the genuine demands and aspirations of the people of Assam. Failure of the Centre to handle the illegal migration from Bangladesh also resulted in the growth of ULFA
- ULFA was in a sense outcome of the Assam Movement and the movement provided the platform for formation of secessionist ideals. There were important people who created the atmosphere and articulated the ideals to fight the injustice and unequal treatment meted out to the Assamese society at large and this could only be countered via aggressive actions showing the Indian government the presence of strong Assamese nationalism and pride which would struggle for preserving the rights of the people.

The ULFA first came into the limelight when it joined hands with the AASU and All-Assam Gana Sangram Parishad (AAGSP) combine in enforcing the boycott of polls of 1983 till the names of the illegally settled ‘foreigners’ were struck off from the electoral rolls. In the initial years the ULFA was not very active and it lent support to the famous Assam Agitation. It had close connections with the AASU as at the beginning it supported the cause of Assamese nationalism.
It was mainly after 1985 that ULFA started its militant activities such as bank robberies, killing of people. It dispensed a reign of terror when it started political elimination of people at various levels. ULFA was declared as a terrorist organisation by the Indian State in 1990. The growing popularity and increasing members motivated ULFA to target big industries of the state like tea and oil for extortion. Once the news

of extortion drives of ULFA spreading outside the state, the Union Government of India banned ULFA (1990) and launched first Army Operation (Bajrang) against ULFA. As a result, hundreds of ULFA cadres were killed or captured by Indian Army from various places of the state. On September 14, 1991, Operation Rhino was launched in by the GOI. The operation proved a success in which most of the ULFA bases (91 in the State) were destroyed and nearly all of the top ULFA leadership were arrested. Over 300 ULFA cadres surrendered within 40 days of Operation Rhino.The ULFA which turned into a violent organisation received a major setback on 26 January, 2004, when it planted a bomb in Dhemaji district of Upper Assam which killed 15 innocent children. This incident was condemned by almost every Assamese who began to question the intention of ULFA. In fact the ULFA started losing its mass base in Assam. ULFA targeted the non-Assamese people to show its strength in various places of Assam such as the killing of the Bihari people in Upper Assam. It mainly operated from Bangladesh and had all its leaders in that country. ULFA has received open support from Pakistan, China, Myanmar and Bangladesh. The ULFA was so involved in militant activities, that it became an extortionist organisation. It was no longer interested in the original ideology of *'Swadhin Axom'* of independent Assam. A major point in the study of ULFA comes in the year 2008 when its senior members led by Arabindra Rajkhowa surrendered before the Indian authorities. Rajkhowa along with others formed the Pro-talks faction of the ULFA and began talks with the government of India, Paresh Baruah the Chairman of ULFA did not approve of this pro-talks faction. At present talks are going on between the pro-talks faction of ULFA and the Government of India. The present Government of Assam under the Chief Ministership of Dr. Himanta Biswa Sarma has also been trying to initiate talks with the Paresh Baruah faction.

Check your Progress

1 Write a brief note on Insurgency?

What are the major factors behind the growth of insurgency in Assam?

What is the present state of insurgency in Assam with regards to ULFA?

Does insurgency pose a hurdle to the development process. Examine?

What is the AFSPA?

1.10 Summing Up

In conclusion it can be said that the idea of self-determination for a community must be respected by the sovereign authority as long as it does not result in the secessionist tendencies which has been the case of Kashmir. In case of insurgency it can be said that the state of Assam has been badly ravaged by the insurgency which mainly started in the 1980s, however the state has been continuously trying to engage itself with the various insurgent outfits in the form of negotiations to bring peace and development back in rack in the state of Assam. It can be said that Assam being the gateway to the entire North East must act rapidly to bring the various insurgent movements under control so that the entire North East can benefit out of it in terms of development and prosperity.

1.11 References and Suggested Readings

Barpujari, H.K. 1998. North-East India: Problems, Policies and Prospects, Delhi: Spectrum Publications.

Baruah, Sanjib. 1999. India against Itself: Assam and the Politics of Nationality. Philadelphia: University of Pennsylvania Press.

Bose, S, The Challenge in Kashmir: Democracy, Self Determination and A Just Peace, 1996, New Delhi, Sage Publications

Chaube, S.K. 1999. Hill Politics in Northeast India. Hyderabad: Orient Longman.

Mahanta, N.G, 2013, Confronting the State: ULFA's Quest for Sovereignty, New Delhi, Sage Publications.

UNIT-I
CONSTITUTIONAL FOUNDATION

Unit Structure :

1.1 Introduction
1.2 Objectives
1.3 Concept of Federalism
1.4 Foundation of Indian Federalism
1.5 Nature of Indian Federalism
1.6 Characteristics of Indian Federalism
1.6.1 Federal Features
1.6.2 Non Federal Features
1.7 Why a Strong Central Government?
1.8 Centralising Tendency in Indian Federalism
1.9 Relationship between the Union and the States
1.9.1 Legislative Relations
1.9.2 Administrative Relations
1.9.3 Financial Relations
1.10 Summing up
1.11 References and Suggested Readings

1.1 Introduction

The constitution of India provides for a federal structure of government with strong centre and weak states without using the word 'federation' anywhere in the Indian constitution. Article 1(1) of the constitution states *"India, that is Bharat, shall be a Union of States."* The word federation has not been used deliberately in the constitution. According to Dr. B.R. Ambedkar, the phrase 'Union of States' has been preferred instead of 'Federation of States' to indicate two things: (i) Indian Union was not a creation of any agreement among the states like the American federation; and (ii) no state has the power to secede

from the union. If we look into its structure it can be said that it is a federation. But use of the word 'Union' connotes that it is not a federation in the truest sense of the term and it may mean unitary or a quasi-federation. 'Canadian model' of federation is followed in India instead of 'American model' which is basically different from the former in regard to the establishment of a very strong centre. Thus the Indian federation resembles with the Canadian federation, but not with the American federation. According to Dr. Ambedkar, the Constitution of Union and States is a single frame from which neither can get out and within which they must work. There is the need of analyzing the characteristic features of our political system.

1.2 Objectives

This unit is an attempt to analyse the constitutional foundation of federalism in India. After going through this unit you will be able to-

- Understand the nature of Indian federalism
- Explain the federal and non-federal features of Indian federalism
- Describe the reasons for creating a strong centre
- Discuss the centralizing tendencies of Indian federalism
- Comprehend the Relations between the Union and the State Governments

1.3 Concept of Federalism

Before going through the nature of Indian federalism we should know the theoretical meaning and definition of federalism.

Professor Dicey defines, "A federal state is a political contrivance to reconcile national unity and power with the maintenance of state rights."

According to Montesquieu, "Federal Government is a convention by which several similar states agree to become member of a large one."
Hamilton defines a federal government as "an association of states to form a new state."
Professor K. C. Wheare states that by the federal principle, I mean the method of dividing powers so that the general and regional governments are each within a sphere, coordinate and independent."
According to Herman Finer, "A federal state is one in which part of the authority and power is vested in the local areas while another part is vested in a central institution deliberately constituted by an association of the local areas."
If we analyse the above definitions some basic features of federalism can be noticed such as two types of government, written and rigid constitution, division of powers between the centre and the constituent states, independent federal judiciary, bicameral legislature, dual citizenship etc.

1.4 Foundation of Indian Federalism

We know that the constitution of India provides for a strong central government which was the need of time during the period of independence. The constitution makers firmly believed that we need a federal form of government for reconciliation of diverse people of British India and princely states on the one hand and a strong central government in order to expedite the process of socio-economic progress as well as to restrain the divisive tendencies of the constituent parts. During the time of independence apart from the British India provinces there were more than 500 Princely States which were to be integrated with other states or to form in a new manner. The terribly difficult problem of integration of the princely states was solved in time through the great initiative and statesmanship of Sardar Vallabhbhai Patel (who is rightly called as the "Iron Man of India" for his contribution to the Indian national integration) and the co-operation

given to him by Pandit Jawaharlal Nehru and Lord Mountbatten. Thus, as considered by the historians the integration of States into India is undoubtedly a dominant phase of Indian history. The colonial government also felt the necessity of adopting a federal structure for India considering its vastness which was reflected in the Government of India Act, 1935. The makers of the constitution also followed the federal principles enshrined in this Act and thus this Act can be considered as the basic foundation of Indian federalism.

1.5 Nature of Indian Federalism

There is controversy regarding the nature of Indian federalism. Though India is called federal the word 'federation' cannot be found anywhere in the constitution. The constitution makers prefer to use the term 'Union' instead of 'Federation'. So, the matter should be dealt in whether it is a federation or not. Dr. Ambedkar, the Chairman of the Drafting Committee explained the significance of the use of the word 'Union' instead of 'Federation' while he placed the Draft Constitution before the Constituent Assembly on November 4, 1948. He stated, *"It is true that South Africa which is a unitary state is described as a Union, but Canada which is a Federation is also called a Union. Thus, the description of India as Union, to usage. But what is important is that the use of the word 'Union' is deliberate. I do not know why the word Union was used in Canadian Constitution. But I can tell you why the Drafting Committee has used it. The Drafting Committee wanted to make it clear that though India is to be federation, the federation not being the result of an agreement, no state has the right to secede from it. The federation is a Union because, it is indestructible."*(Constituent Assembly Debates, Vol. VII, p.43). As India is a vast country almost like a continent having different nationalities which are divided in states for convenient administration belong to one single nation under a single constitution.

There is controversy of opinion among the constitution experts regarding the nature of Indian federalism. Some argue that India is extremely a federal state. Some others do not agree with this opinion. K. Santhanam and K. P. Mukherjee are of the view that Indian constitution is definitely unfederal or unitary. On the other hand another constitutional expert and author D. D. Basu is of the opinion that it is neither purely federal nor purely unitary but a combination of the both.

Therefore, in order to understand the nature of Indian federalism we have to examine the salient features of the constitution and the structure of the state. If we give a superficial view to the structural features it would seem to be a true federation, but deep look into it functionalities will clarify the real nature of Unitarian federation. So, there is the necessity to examine the characteristics.

1.6 Characteristics of Indian Federalism

The characteristics of Indian federalism can be discussed in two broad divisions. If you go through the provisions of the constitution you will notice that there are some intrinsic features required for federal polity and some others which can be found in a unitary state. In the following parts you can find all these basic features.

1.6.1 Federal Features

(i) Written Constitution: The constitution of a federation should be a written document where all the necessary principles for governing two types of governments are incorporated and they can refer to it in case of necessity. Indian constitution is a written constitution and it is the supreme law of the land. It is the source of power for both the centre and the federating states as there is no provision for separate constitution of the states. The relationship of all the three organs of the

government viz. the executive, the legislature and the judiciary is discussed in detail in the constitution.

(ii) Rigidity and Supremacy of the Constitution: As a federation the constitution of India is the supreme law of the land and neither the state governments nor the centre can violate it. The constitution is the source of power for both the union and the state governments. Indian constitution is not fully rigid and it is the mixture of rigidity and flexibility. Though some provisions can be amended very easily with simple law making procedure some are rigid. Indian constitution is rigid to a great extent because special procedure is to be followed for amending such provisions of the constitution. It is the desire of the state governments that the centre should not be able to alter any clause of the constitution to turn the constitution in its favour.

(iii) Dual form of Government: Two sets of government is one of the basic elements of a federation. There are central or union government for whole of the federation and the state governments for the federating units or the states. They exercise their functions within their jurisdiction as per the provisions of the constitution.

(iv) Bicameral Legislature: There should be bicameral legislature consisting of the first chamber for representation of the people and the second chamber for the constituent states. In India, the Loksabha or the House of the people is the first chamber and the Rajya Sabha or the Council of States is for representation of the states. Members of the Loksabha are directly elected by the people for a term of five years. The Rajya Sabha is a permanent body and one third of the members are elected in every two years from the states by indirect method for a term of six years.

(v) Independent and Impartial Judiciary: The judiciary must be independent and impartial in a federation. There may be dispute between the union and the state government/s or among the state governments. The Supreme Court of India plays a pivotal role in the impartial settlement of disputes as per the provisions of the constitution. It is also the guardian and interpreter of the constitution.

It can interpret the provisions of the constitution in case of any doubt or controversy on any clause of the constitution.

(vi) Division of Powers: It is another important federal feature of the constitution of India. The powers of the federation are divided between the union and the federating units as per Article 246 of the constitution and the detailed list is being given in Seventh Schedule of the constitution. Three lists are enumerated in this schedule viz. List-I (Union List), List-II (State List) and the List-III (Concurrent List). The subject matters with national importance are included in the Union List and the subject matters which are important from the regional point of view are included in the State List while the common subject matters for both the union and the states are included in the Concurrent List.

1.6.2 Non Federal Features

Apart from the federal features there are some non-federal features also which draw the attention of the constitution experts as their number is more than that of the federal features. The non-federal features are discussed below.

(i) Single Citizenship: The provision of single citizenship implies the unitary character of India. All the citizens irrespective of their state of birth enjoy Indian citizenship which is not ideal for a true federation. In an ideal federation like the U.S.A., the people enjoy dual citizenship which means a person is a citizen of the USA and at the same time he or she is also the citizen of the particular state where inhabits.

(ii) System of Division of Powers Increases the Strength of the Union Government: The system of division of powers as provided in the Indian constitution shows that intentionally the union government is made more powerful than that of the state governments. The Union List contains many more subject matters than the State List. If any contradiction arises on the laws made by both the central and state government on any of the Concurrent List, the law of the central government prevails. Apart from that the residuary powers are given to

the centre which should be given to the state as it is done in an ideal federation.

(iii) Provision of Emergency Powers makes it Unitary: The constitution of India empowers the President to make use of the emergency provisions. There are three kinds of emergency provisions that are National Emergency as per Article 352, Failure of Constitutional Machinery in a State which is popularly known as President's Rule as per Article 356 and Financial Emergency as per Article 360. In case of proclamation of national emergency powers by the President of India the state governments lose their autonomy and the whole country turns to be a unitary state. If any state comes under President's Rule by the use of Article 356, administration of the state goes to the hands of the centre.

(iv) Unequal Representation of the federating states in the Rajya Sabha: It is another important non-federal feature of the Indian constitution. The countries like America, Australia and Switzerland followed the principle of equal representation in upper house. The Senate which is the upper house in the USA, for example, is composed of one hundred members, representing each state equally by two members. Number of population and geographical size of the federating states are not considered in this regard. Regarding election of the representatives it should not be considered that whether a federating state is large or small and highly populated or not, all the states should have equal representation. But in Indian case the Rajya Sabha or the Council of States which is the upper house of the parliament is not consist of equal representation of the states. Geographically large states or highly populous states like Uttar Pradesh, Madhya Pradesh, Bihar etc. are getting more representatives in comparison to the states which are geographically smaller and with less number of population like Assam, Nagaland etc.

(v) Centre's Power to Change the boundaries of States: In a federation the centre has no power to change the state boundaries in its will. But in India centre is the sole authority to alter the name of any state and

the state boundaries. The Indian parliament can create a new state or change the boundary of the states at any time it chooses appropriate without any consent of the affecting state by amending the constitution with simple majority. It has been done several times starting from the creation of Andhra Pradesh out of the then Madras state during the early part of 1950's. This process continues up till the present times through the formation of State Reorganisation Commission in December 1953 and enactment of the State Reorganisation Act of 1956, there is not any state boundary in India which is left unchanged. Thus it is a non-federal feature of Indian federalism which is contrary to the principle of true federalism.

(vi) Absence of Separate Constitution for the States and no Right to Secede: The federating units should have their own constitution separately apart from the federal constitution. But in India the provision of separate constitution is not accepted and for both the centre and the states, there is only one constitution. The constituent states have neither the right to draft their separate constitution nor they have the right to secede from the union at their own will.

(vii) Governor as the Agent of Central Government: The Governors in the states are appointed by the President and he acts as the agent of the Central Government. It is against the ideal principle of federalism where the Governors of the states are elected by the people. The Governors in Indian states are appointed by the President and their tenure of office depends on the pleasure of the President as per Article 156 (1), who has also the power to remove them from their office. It is the duty of the Governor to inform the President about all the matters relating to state administration. During the time of emergency the Governor has to follow the directions issued by the President. This feature signifies the unitary bias of India.

(viii) Governor's Power in State Legislation: You are aware that the Bills passed by the state legislature will become law only when it is signed or give assent by the Governor. But in exercise of the power conferred on the Governor by Article 200 and 201, he may withhold his assent to a Bill passed by the state legislature or may reserve the

Bill for consideration of the President. In such a case the legislative power of the state comes under the clutches of the central government. This feature is unitary rather than federal.

(ix) Centralised Election Machinary: Elections for the whole country of India is under the control of Election Commission of India. It is the centrally organized constitutional body and the Chief Election Commissioner along with other office bearers are appointed by the central government and it has control over it. The commissioner is responsible for holding elections throughout the country. The state governments have nothing to do and have control over the Election Commission.

(x) Provision of All India Administrative Services: The all India services like I.A.S., I.P.S. etc. recruited by the UPSC and they are appointed to both the central as well as state governments. Their service conditions are determined by the central government but they hold important positions and higher ranks in the state governments. They are not fully under the control of the state governments and they have to follow the rules and regulations given by the central government. Through these officials the central government can keep notice of the state administration which is not acceptable for a federation.

(xi) Comptroller and Auditor General: The expenditure of all the government funds are to be accounted and audited properly and it is the responsibility of the CAG. It is an autonomous body appointed by the President and the state governments have no power in this regard. The State Accounts General is also appointed by the CAG. This system is also not in accordance with the federal principles.

1.7 Why a Strong Central Government ?

The constitution makers provides for a strong central government. There are many reasons for opting for a strong centre. The following are the reasons given in favour of strong centre.

1. Role of Indian National Congress: The Indian National Congress which led the movement against the British for Indian independence wanted to establish a strong central government. It believes that only a strong centre can lead India to the path of development. Indian National Congress was the single dominant party in the Constituent Assembly at that time. So, the party became successful for inclusion of the provisions for a strong central government in the constitution as per its wish.

2. Achieving Unity among the Indians: India is a nation of different nationalities with various castes, races, religion and languages. Diversity is a basic characteristic of the Indian society along with geographical diversity. Therefore, the constitution makers always tried to bring unity in diversity at any means. They realized that unity in diversity would be possible in India only with a strong central government.

3. Protection of Interest of the Minorities: A strong central government is necessary for providing protection to the minorities. In democratic system the majority people always play dominant role in the affairs of the state. At the same time it must be noticed that the interest and the development of the minorities should not be hampered. In this regard the opinion of Dr. B. R. Ambedkar who represented a minority community can be mentioned here. He wanted to make the central government even more powerful than that provided by the Government of India Act, 1935. So, the constitution of India makes the central government very strong.

4. Controlling the Separatist Tendencies: The constitution makers were aware enough that there was possibility of the growth of separatist tendencies in India. On the basis of that apprehension, they made the provisions for a strong central government with unitary features. We have seen these kinds of movements led by some extremist organizations seeking secession of one or more states from the Indian republic. Some other groups have wanted either separate state or union territory or autonomous administrative division within the territory of India. We can cite here the examples of Naxalite-

Maoist insurgency in the states of West Bengal, Bihar, Jharkhand, Maharashtra, Andhra Pradesh, Telengana etc.; Khalistan movement in Punjab; insurgency movements in the North-eastern states; and the extremist movements in Jammu and Kashmir.

5. Protection of National Interest and Integration: The members of the Constituent Assembly felt that national interest and integration cannot be protected without a strong central government. They opined that a weak centre would not be able to eliminate the sufferings of the people. The constitution makers believed that the socio-economic problems like poverty, illiteracy, unemployment, inequality of wealth prevailed in India can be handled by a strong centre only. Proper planning and co-ordination is necessary for tackling all these problems which can be done by a strong union government. So, they created a strong centre.

6. Impact of World Politics: During the time of making of the Indian Constitution there was a worldwide tendency that the central government must be strong. In the present days also it has become a common feature of establishing a strong central government. India is not an exception to that and thus accordingly the union government in India was formed.

7. Removal of Obstacles to Integration of Princely States: At the time of independence, apart from the British provinces, there were more than 500 princely states which had to be integrated into existing states or new sates had to be created. There was an apprehension among the constitution makers that the princely states might destroy the integrity of the Indian union. So, the framers of the constitution made the central government very strong in order to contain all kinds of elements of disintegration.

8. Diversities and Problems of India: India is not only a vast country with continental dimension but also a plural society having immense diversity of different castes, tribes, races, languages, communities and religion. There was the necessity to bring unity among all Indians keeping aside al diversities implementing the principle of 'unity in diversity'. Apart from diversities, problems of economic inequality,

poverty, illiteracy etc. were acute at the time of independence. So, the framers of the constitution believed that bringing unity in diversity and solution of the acute socio-economic problems would not be possible without a strong central government.

1.8 Centralising Tendency in Indian Federalism

There are many provisions in the Indian constitution through which the constitution makers have made the central government more powerful. These kinds of provisions have already been discussed in this chapter under the head non-federal features or the unitary features. India is called as a unitary state rather than a federal state due to the abundance of these unitary features in the constitution. After analyzing these features we can say that there are a number of areas where the centralizing tendency can be noticed. The areas are discussed below.

1. Role of the federating units in the amendment of the constitution: Unlike the other federations, there is only one constitution for whole of the Indian nation without separate constitutions for the federating units. Moreover, the state governments cannot take initiative for amendment of the constitution. In most of the amendments, approval of the state governments is not necessary. Thus, the centralizing tendency is present in the matter of amendment of the constitution where only the union government plays the central role. The state governments can neither play any important role in amendment of the constitution nor do they have separate constitution.

2. Division of powers: If we analyze the seventh schedule of the constitution where the subjects are distributed between the central and the state governments we can notice the centralizing tendency. In this schedule the important subjects are included in the Union List while the less important subjects are included in the State List. The central government assumes the complete dominance over the Union List. Apart from that, it has supremacy over the Concurrent List also which is meant for both the central and the state governments. Because if any

conflict arises between the central and the state government over any law enacted on the concurrent list subjects, the law made by the centre prevails. Besides, the residuary powers are given to the central government which is contrary to the federal principle. The central government has supremacy over the state subjects also as it can make laws on the subjects included in the state list.

3. Administrative Powers: Like the legislative matters the supremacy of the centre is seen in the administrative matters also. Regarding administrative matters the central government can give necessary instructions to the state governments and the states are bound to abide by these instructions. In case of settlement of any dispute among the states the President may take initiative by construction of Inter-State Council. The state governments are to conduct the administrative functions in consonance with the functions of the central government. If any state fails to comply with such instructions of the central government, the President has the power to take away the administrative affairs of the state by the means of proclamation of President's Rule through Article 356.

4. States' Representation in the Parliament: There should be equal representation of all the federating units in the second chamber or the upper house of the parliament. This principle is followed in almost all the federations of the world. In India the Council of States that is Rajya Sabha is the second chamber where there is no equal representation of the constituent states. It seems that there is no equality among the states and this chamber cannot protect the interest of the states. This chamber represents the people rather than the states.

5. Constitution Amendment: There is dominance of the parliament in the matters of amendment of the constitution. The state governments cannot initiate constitution amendment measures in the state legislatures. Most of the Articles of the constitution can be amended by the parliament alone by simple majority votes in the parliament. Approval of the states in the amendments initiated by the central parliament is necessary only in some meager amount of Articles. Thus

the states can play little role in amendment of the constitution which is more or less flexible in nature.

6. Financial Affairs: Predominance of the central government is visible around the whole federation in financial affairs. In the matters of imposition and collection of different kinds of taxes the central government plays much important role in comparison to that of the central government. In most cases the state governments are dependent on the central government.

7. Centralised and Integrated Judicial System: Centralization is adopted in the judicial system also. Existence of independent judiciary is not available for the states. Similar uniform laws are applied in the whole country and thus the central government has strong hold over them. The Supreme Court is at the apex of the judicial system which is responsible for safeguarding the constitution as well as laws of the land.

8. Supremacy of the Parliament rather than the Constitution: The parliament of India can amend almost all the parts except the basic structure. Therefore, it can be said that instead of supremacy of the constitution, there is the supremacy of the parliament. This characteristic shows the tendency of centralization in the Indian federalism.

9. Control of administration of the state through the Governor: The Governor is the head of the administration of a state. He is appointed by the President and retain in his post on the satisfaction of the President or the central government. The Governor can be transferred or removed at the choice of the President. The Governor is like the agent of the central government and he has to report to the central government about the administrative scenario of the state. He should notice whether the administration of the state is conducted as per the instruction of the central government or not. He can send a bill passed by the state legislature for the assent of the President. The President can proclaim emergency of failure of constitutional machinery in a state on the basis of the report given by the Governor. The discretionary powers given in the name of the Governor are actually

used as per directions of the central government. Thus, the central government can influence on state administration through the Governor in various ways.

10. System of Single Citizenship: Single citizenship is another provision through which the federal system tending towards centralization. Unlike most other federations, citizenship in India is not dual for both the state level citizenship and federal citizenship. The people of a state are the inhabitants of that particular state and not the citizens of the state. All the people of India are the citizens of India only.

12. States' Existence depends on the Central Government: The parliament of India can create new state, alter boundaries or can change the name of any state by majority vote in the parliament. In this regard it is necessary to take prior approval of the President for introduction of such Bill in the parliament. The President may seek opinion of the state concerned but the President may or may not accept the opinion. Thus, the existence of the states or their geographical boundary depends on the wish of the central government which makes the Indian federal system a centralized one.

13. Central Security Force: The central government can deploy CRPF personnel in any state without its consent for protection of the central institutes situated in that particular state or states. In this way the centre can establish control over the states through the means of Central Reserve Police Force.

14. Emergency powers of the Presidents: It has already been mentioned that the President is empowered with emergency provisions which are consisted of three kind viz. national emergency, failure of constitutional machinery in a state or state emergency and financial emergency. The central government becomes very powerful at the time of use of these emergency powers by the President. Thus the emergency powers of the President can be considered as a major factor in the growing centralizing tendency of the Indian federalism.

15. Uniform Law throughout the whole Country: Centralising tendency can be noticed in case of the prevailing laws of the

federation. Uniform criminal laws are applied throughout the whole country. Moreover, as per the constitution of India, the civil laws should also be similar throughout the federation as per the provisions of the Indian Constitution. Uniform civil and criminal laws also pave the way for centralization in Indian federation.

Stop to Consider

Is India a Real Federation ?

If we analyze the federal, non-federal features of Indian federalism we can surmise that India is not a true federation. The number of non-federal features supersedes the federal features. In the interest of protecting the unity and integrity of the nation the constitution makers devised for a strong centre incorporating the issues of centralizing tendency. If the state governments run the administration of the state in compliance with the union government there is no scope for the union to interfere in the matters of the states.

The prevailing situation of that period induced the constitution makers to provide for a strong central government so that it can throw out any danger of the apprehension of disintegration of the union and save it from separatist tendency. The framers of the constitution were also aware about the probable growth of extremism arising out of the grievous problems of economic and social nature.

Criticizing the nature of Indian federalism and because of the pronounced centralized bias of the constitution, Prof. K. C. Wheare termed it as 'Quasi-federal' that is half federal or not fully federal. Some other critics opine it as a 'Cooperative federation' because the administration of the whole country is run with the mutual coordination between the Union and the State governments. The Sarkaria Commission has also emphasized on the growth of co-oprative federalism. Despite the fact that Indian federalism is centrally dominated, there is an open emphasis on co-operation,

harmony and partnership. Dr. Amal Ray observes that "If under a system of government both the central and the state authorities derive their status and powers from the constitution and not from the central law, and can ordinarily enjoy substantial autonomy within their respective jurisdictions set by the constitution, then there is no valid ground to deny federal character to that system of government".

After examining all these counter observation we can conclude that India is a unique federation with a strong Union government having some biased centralizing tendency. Dr. Ambedkar once remarked, "It is strong enough to hold the country together both in peace time and in war time. Indeed I may say so, if the things go wrong under the new constitution, the reason will not be that we had a bad constitution, what we will have to say is, that the man was vile".

1.9 Relationship between the Union and the States

It is an important aspect of any federation that as there is dual polity there must be division of powers between the central and the state governments. The Indian constitution also makes such division as per the Seventh Schedule of the constitution. Both the governments exercise their powers and functions as per this division and at the same time they have to maintain relationship with each other. The legislative and administrative relations between the centre and the states are discussed in Part 11 of the Indian constitution and the financial relations are discussed in Part 12 of the constitution. If we analyse these relations we will find that Indian political system is the mixture of federal and unitary system. The state governments are dependent on the central government in respects of legislative, administrative and financial matters and as such centralizing tendency is significantly

visible. Therefore, Indian federalism can be termed as a cooperative federalism.

The centre-state relations are divided into the following three parts:

(A) Legislative Relations (Article 245-255)

(B) Administrative Relations (Article 256-263)

(C) Financial Relations (Article 268-293)

(A) Legislative Relations

It has already been mentioned that there are three lists in the Seventh Schedule of the constitution viz. the Union List, the State List and the Concurrent List. There were originally 97 subjects in the union list at the time of making of the constitution and presently, there are 100 subjects. The Union list includes subjects such as foreign affairs, defence, railway, postal services, banking, atomic energy, communication, currency etc. There are 61 subjects (originally 66) in the State list. The list includes subjects such as police, public order, roadways, health, agriculture, local government, drinking water facilities, sanitation etc. In the concurrent list, there are 52 subjects (originally 47) which includes subjects such as education, forests, protection of wild animals and birds, electricity, labour welfare, criminal law and procedure, civil procedure, population control and family planning, drugs etc.

Articles 245 to 255 in Part XI deals with different aspects of legislative relations between centre and states. The parliament i.e. the central legislature can make laws in respect of any subjects mentioned in the union list and the state legislatures have nothing to do with these subjects. Parliament has the exclusive power in enacting laws in respect of these matters enumerated in the union list.

The state legislatures can enact laws on any of the subjects enumerated in the state list. But the central government also has power to make laws in respect of the state list if the situation demands. Thus the central/ union government has control over the state list also. The state subjects are not exclusively for the states.

The subjects included in the concurrent list are meant for both the union and the state governments to make laws. But if any conflict arises between the union and the state governments over the laws made by them, the law enacted by the central government gets primacy over the state laws.

The residuary powers are vested on the union government. Only the union government has the power to make laws on any subject that are not enumerated in all the three lists.

Superior position of the Union Government in respect of Legislative Relations:

The distribution of powers as envisages in the constitution is not in tune with a real federation like the USA. Everywhere there is supremacy of the central government over the state governments. Supremacy of the union government is visible in the following matters:

- In case of any conflict between the centre and the states in making laws on a common subject the union law will come into force instead of the passed by the state government.
- The union legislature can make laws on any subject enumerated in the state list if the Rajya Sabha desires so, and pass a resolution supported by 2/3rd majority of members present and voting, declare a state subject as a subject of national importance.
- Under Article 250, the parliament can legislate on the state listed subjects for the whole or any part of the territory of India while a proclamation of emergency is in operation.
- Under Article 252, if any two or more state legislatures pass a resolution requesting the union parliament to make laws on a subject mentioned in the state list the latter can do it for the concerned states.
- Under Article 253, the union government has the power to make laws enlisted in the state list in order to implement international agreement signed with foreign state.
- The union government gets the power to make laws on the subjects of state list whenever a national emergency is declared under Article 352.

- During the constitutional emergency proclaimed by the President in a state or states, the union legislature gets the power to make laws over the state subjects in respect of the concerned states.
- The Governor can reserve certain Bills passed by the state legislature for Presidential assent. These include the jurisdiction of the High Court, amalgamation of two or more corporations for proper management, imposition of tax on water and electricity stored or generated from Inter-state rivers or river valleys etc.

The above points make it clear that the union parliament has superior position in the legislative matters. The constitution of India makes the union so powerful primarily for the reason that the unity and integrity of the nation is not jeopardized.

(B) Administrative Relations

Part XI, Chapter II of the constitution through the Articles 256 to 263 deals with the administrative relations between the centre and the states. The union and the state governments exercise their powers in respect of the distribution of powers as provided in the constitution and the administrative powers are connected with the legislative powers. As per Article 73 of the constitution the union parliament can exercise administrative powers also to the extent on which the union parliament can make laws.

The administrative powers enjoyed by the state governments are connected with the subjects incorporated in the State list. The state governments can exercise administrative powers according to this list as per Article 162 of the constitution. Moreover, Article 256 states that "the executive power of every State shall be so exercised as to ensure compliance with the laws made by the parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose".

The administration on the subjects mentioned in the Concurrent list is normally entrusted to the state governments. But the parliament by passing necessary laws can empower the central government to

exercise control over these subjects. In such cases, the state governments can exercise power over the other subjects only and the central government may give necessary direction in this regard.

Primacy of the Central government in Administrative Matters:

Like the legislative matters the central government has supremacy over the administrative affairs also. It has supremacy in case of the following aspects:

- The State governments have to conduct administration in consonance with the laws made by the Union Government. Under Article 256, the state executive is required to ensure that all Union laws that apply to them are followed. The Union executive can give necessary directives to State executive to make sure they implement such laws.
- In exercise of the executive powers of the State governments they should not pose any impediment to the exercise of powers by the union government as laid down by Article 157 of the constitution. The Union government can give such directions to a state as deemed essential by the government of India for this purpose.
- The Union Government can give direction to the states for construction and maintenance of means of communication such as highways, waterways or protection of railways for the reason of military importance.
- The President can, with the consent of a state, entrust either conditionally or unconditionally to that government or its officers to exercise the power of the Union.
- The parliament, by passing laws can empower the Union government, to settle disputes relating to inter-state rivers or river valleys.
- The Union government can give direction or deploy paramilitary forces like CRPF in any state in order to protect central property which is the responsibility of the state governments.
- The All India common services like the IAS, IPS etc. are recruited by UPSC but they are assigned to each state and hold higher posts in administration and they are ultimately controlled y the Union Government.

- The Rajya Sabha has the power to create a new All India Service or abolish any existing one by 2/3rd majority of the members present and voting (Article 312).
- If the President deems it necessary, can establish Inter-State Council, for securing coordination among the central and the state governments under Article 263. Main function of this council is to inquiring into and advising upon disputes arise between states.
- During the proclamation of National Emergency by the President under Article 352, power of the Union Government increases and it gives directions to the state governments regarding execution of administrative power of the states.
- If President's Rule is declared in any state for failure of constitutional machinery, the administration of that particular state or states comes under the purview of the Union Government (Article 356).

From the above discussion we can conclude that there is supremacy of the Union Government in the distribution of administrative powers also. The Union Government plays the principal role for administration of the whole country while the State governments play only subordinate role at the wish of the former.

(C) Financial Relations

The financial relations between the Union and the State Governments are described in Part XII of the constitution which covers the distribution of revenue and other financial matters between them. The sources of revenues of both the governments are described from Articles 264 to 300.

There are certain items which are exclusively assigned to the Union Government. These items include subjects like customs and export duties, income tax, excise duty on tobacco, jute, cotton etc., corporation tax, taxes on capital value of assets of individuals and companies, estate duty in respect of property and other agricultural land, railways, post and telegraph, telephones, wireless, broadcasting and other forms of communications and taxes on any items covered in the union list.

There are some revenue items which are exclusively assigned to the states. These include land revenue, stamp duty except on documents included in the Union List; succession duty and estate duty in respect of agricultural land; taxes on goods and passengers carried by road or inland water; taxes on consumption or sale of electricity, tolls, taxes on lands and buildings; duty on alcoholic liquors for human consumption; taxes of entry of goods into local areas; taxes on luxuries, entertainment, amusement, betting, gambling etc.

There are some items on which taxes are levied by the Union but collected and appropriated by the states (Article 268-A). These kinds of items are: (a) stamp duties on bills of exchange, cheques, promissory notes, bills of lending, letters of credit, policies of insurance, transfer of shares etc.; (b) excise duties on medicinal and toilet preparations containing alcohol, opium etc.

There are some items on which taxes are levied and collected by the Union but assigned to States (Article 269). These are duty in respect of succession to property other than agricultural land; taxes on railway freight and fares, terminal taxes on goods or passengers carried by rail, sea or air etc.

There are some items on which taxes levied and collected by the Union but shared with the States (Article 270). The proportion of share is determined by rules and regulations. These include tax on income other than agricultural income, excise duties other than those on medicinal and toilet preparations.

Stop to Consider

Sarkaria Commission on Union-State Relations:

The centre-state relation in Indian federalism has always been a controversial issue for the trend of increasing powers of the Union government in annoyance of the state governments. Apart from the original provisions of the constitution that awarded vast powers, several amendments such as the 3rd, 6th, 7th and 42nd Constitution Amendments have again increased the powers of the Union

government. The 3rd amendment empowered the centre to fix the price of foodgrains, the 6th amendment reduced the power of state government to levy sales tax, 7th amendment empowers the centre to appoint special officers to look after educational interest of linguistic groups and the 42nd mega amendment curtailed the powers of the states. Thus, all these Amendment Acts are some examples which have made the centre stronger.

On the other hand, there have been growing demands for more autonomy to the states not only due to political reasons but geographical, cultural and economic factors also inflicts the states in this regard. Intensification of growing demand for autonomy by the states resulted in the decision by the central government to appoint a commission to look into the matter of centre-state relations.

Accordingly on March 24, 1983, central government announced the appointment of the Sarkaria Commission. Justice R. S. Sarkaria (Retd.) was made the Chairman and Mr. B. Sivaraman, the Cabinet Secretary, Mr. S. R. Sen, a former Executive Director of IBRD and Rama Subramaniam (Member Secretary) were nominated as other members. This Sarkaria Commission was to examine and review existing arrangements between the Union and States in regard to powers, functions and responsibility and make appropriate recommendations.

Sarkaria Commission submitted its report to the Union Government in October, 1987. The recommendations made by the commission are briefly mentioned below.

Strong central government should be retained in the interest of national unity and integrity.

Rejected the demand for the transfer of certain state subjects to the Concurrent List.

There should be greater Cooperation between the centre and the states.

Active politicians should not be appointed as Governor in a state.

Governor can use discretionary power in the matter of summoning the session of the state legislature.

Suggested measures to prevent misuse of Article 356.

Favoured implementation of three-language formula throughout the country.

Rejected the demand for disbanding the All India Services.

If we anlyse the financial relations between the Union and the State governments we can assume that in case of financial relations also the central government acquires superior position because states are dependent on the centre in financial matters. The states are unable to meet their needs for all round development and as such they require grants in-aid from the centre.

Check your Progress

1. Describe the nature of Indian Federalism.
2. Explain the federal features of the constitution of India.
3. Discuss the non-federal features of the constitution of India.
4. Illustrate the causes for devising a strong central government in india.
4. Describe how the centralizing tendency help moving towards unitary system.
5. Describe the legislative relations between the Union and the State governments.
6. Explain the nature of administrative relations between the union and the state governments.
7. Discuss the administrative relations between the union and the state governments.
8. "The Centre-State Relations make it clear that India is a Unitarian federation."- Elucidate.
9. Write a short note on Sarkaria Commission.

1.10 Summing up

After going through this unit you are now in a position to understand not only the theoretical aspect federalism but also the foundation of Indian federalism starting from the Government of India Act of 1935 to the provisions of the Indian constitution. The Act of 1935 is considered as the main basis of Indian federalism which laid the foundation of the systems like strong centre, division of powers, bicameral legislature, residuary powers left to the centre and some other unitary features. The constitution of independent India also retains most of the features characterized in the Act of 1935. Accordingly the makers of the constitution made India a Union of states, which implies that the states have no right to secede from the centre. Due to political conditions prevailing in the country, the constitution makers compelled to make India a federation with a strong centre and weak states. Therefore, it is remarked that India is a unitary in spirit and federal in structure. The federal and non federal features discussed above vividly exposed all these uniqueness of Indian federalism. After reading this unit you have also understood the need and causes for creating a strong centre such as achieving unity among the Indians, controlling the separatist tendencies, protection of the interest of the nation and also the minorities etc. You might also have acquired the idea of the reasons for increase of powers of the central government through the head centralizing tendency. This unit has helped you to analyse the relationship between the union and the state governments. The paramount position of the centre in regard to the legislative, administrative and financial matters has become a noticeable feature of Indian federalism. You have also had the idea of the Sarkaria Commission which was constituted for the purpose of review and recommendations in regard to Union-State relations.

1.11 References and Suggested Readings

Agarwal, R.C. *Constitutional Development and National Movement of India (Freedom Movement, Acts and Indian Constitution).* New Delhi, 2000

Bhambri, C.P. *Politics in India, 1947-1987,* Vikas, New Delhi, 1988

Brass, Paul R. *Politics India Since Independence,* Foundation Books, New Delhi, 1994

Chanda Ashok, *Federalism in India: A Study of Union- State Relations,* George Allen and Unwin, London, 1965

Kothari Rajni, *Politics in India,* Orient Longman, New Delhi, 1995

Morris Jones, W.H. *The Government and Politics of India,* Universal Book Stall, New Delhi, 1996

Sikri, SL. *Indian Government and Politics.* New Delhi, 1999

Weiner, Myron, *The Indian Paradox: essays in Indian Politics,* Sage, New Delhi, 1999

* * *

UNIT-2: CONTESTATIONS AND INNOVATIONS: FIFTH AND SIXTH SCHEDULE

Unit Structure:

2.1 Introduction
2.2 Objectives
2.3Why Special Provisions in Indian Constitution
2.4 The Fifth Schedule and Sixth Schedule in Indian Constitution
    2.4.1 Fifth Schedule and Special Provisions
    2.4.2 Sixth Schedule and Special Provisions
2.5 Fifth Schedule and Sixth Schedule: A Comparison
2.6 Contestation and Innovation: Fifth Schedule andSixth Schedule
2.7 Summing up
2.8 References and Suggested Readings

2.1 INTRODUCTION

The Fifth Schedule under Article 244 (1) and Sixth Schedule under Article 244 (2) of the Indian constitution are special provisions for the administration and control of the Scheduled Areas andTribal Areas in Indian states. The provisions of the Fifth Schedule shall apply to any state other than the state of Assam, Meghalaya, Tripura, and Mizoram whereas the provisions of the Sixth Schedule are only applicable to four Northeastern States of Indiai.e., Assam, Meghalaya, Mizoram, and Tripura. Under a special provision within the framework of asymmetrical federalism in India, these two Schedulesgive special privileges to protect the cultural distinctiveness of Tribal groups. The Indian Constitution provides such protection to these tribal groups because of their economic disadvantages for long so that without any hindrance or any exploitation they could protect and maintain their tribal identity.

2.2 OBJECTIVES

The objective of this unit is to introduce you to the idea of the Fifth Schedule and Sixth Schedule in the Indian Constitution. After reading this unit you will be able to

- *Explain* the reason for the introduction of special provisions in India's asymmetrical federalism

- *Analyse* the special provisions under the Fifth and Sixth Schedule of theConstitution;
- *Identify* the areas of Indian State which are administered with special provisions under the Fifth Schedule and Sixth Schedule of the Constitution.
- Understand the difference between the provisions under the Fifth and SixthSchedules of the Constitution

2.3 WHY SPECIAL PROVISIONS IN INDIAN CONSTITUTION

The Constitution of India under Articles 244 (1) and 244 (2) through Fifth and Sixth Schedule gives special provisionsfor the administration and controlling of the "Schedule areas" and "Tribal areas" of Indian states. So why Indian constitution has given such special provisions to specific communities and states within Indian Union? To answer this question, India as the world's one of the largest democracies with multi-diversity has adopted an asymmetrical model of federalism to accommodate the diverse interest of different sections of people. As asymmetric federalism, the Indian state makes some special arrangements to accommodate all identities, minimise its regional differences, and protect the cultural, linguistic, and religious interests of the different minorities and aboriginal tribal communities.In India, the majority of the tribal groups have been living in isolation in the hilly and forest areas.They lived with their own tradition, culture, and customswithout any intervention from outsiders. During British rule also, theyhad followed the same traditional and cultural roots to protect their own indigenous lifestyle without any disturbance from outsiders. The British had also introduced a policy of isolation and non-interference in their affairs by introducing separate administration under excluded and partially excluded areas. Because of this isolation and non-interference policy, these tribal populations remained underdeveloped and uneducated for a long time. Even after independence also these tribal groups were governed by their own customary laws and traditional rituals.Indian constitution under the Fifth and Sixth Schedule introduce some mechanismsand special privileges to protect their cultural identity and tradition. The Indian Constitution provides such protection to these tribal groups because of their economic disadvantages so that without any hindrance or exploitation they could protect and maintain their tribal identity. Besides the Fifth Schedule and Sixth Schedule, Article 275 (1) of the Constitution also facilitates funds to such Scheduled and Tribal Areas from the Consolidated Fund of Indiafor the welfare of such Tribal populations.

Stop to Consider

Asymmetrical Federalism: Asymmetrical federalism refers to a federal system where power is unequally divided between states. Some states considerablyhave more autonomy or greater responsibilities in terms of political, administrative, and fiscal matters though they have same constitutional status in a federation.

Asymmetrical Federalism in India: India's federalism is a distinct case of asymmetrical federalism because of its multi-diverse nature in terms of language, culture, religion, ethnicity, etc. India has experienced two kinds of asymmetry i.e., political asymmetry and constitutional asymmetry. Political asymmetry exists in the context of states' representation in the territorial chamber i.e., Rajya Sabha. Unlike the USA, India does not follow the principle of equal representation from each state on the basis of demographic strength but on the basis of the size of the population of each respective state. Regarding constitutional asymmetry, there are some specific asymmetries regarding the administration of tribal areas, and inter-state regional disparities as per article 371 of the constitutions in the states like Gujarat, Maharashtra, Manipur, Nagaland, Assam, Andhra Pradesh, Arunachal Pradesh, Sikkim, and Goa.

2.4 THE FIFTH SCHEDULE AND SIXTH SCHEDULE IN INDIAN CONSTITUTION

2.4.1 Fifth Schedule and Special Provisions

Indian federalism has accommodated the tribal self-governance to improve their socio-economic development through several special provisions in Indian Constitutions under Five to Six Schedules. The Constituent Assembly had discussed and passed the Fifth and Sixth Schedules of the Indian Constitution on September 5-7, 1949.These two schedules provide a special governance mechanism for "Scheduled areas" mainly in 10 states of the Indian Union and certain "Tribal areas" in Northeastern states of the Indian Union. In general, the Indian Constitution under Parts 11-12 and Chapter 5-6 has mentioned the legislative, executive, and judicial authority of the states and Union Territories of India.Under Indian Constitution, Article 342 classified different tribes, tribal communities, and ethnic groups as Scheduled Tribes. Scheduled Tribes are entitled to several Constitutional protections that ensure their social, economic, and political well-being.

The Constitution of India under Article 244 (1) specifies the provisions for the Administration and Control of Scheduled

areas.Article 244 (1) of the Indian Constitution defines “Scheduled Areas” as such areas as the President may by order declare to be ScheduledAreas under the Fifth Schedule.The scheduled areas have more than 50 percent tribal population. The President is empowered to declare an area a Scheduled Area.The President can alter, add, or diminish the boundary of any Scheduled Area on the basis of his consultation with the governor of that specific state. Both the Centre and the State have their roles to play in the administration of the Scheduled areas. The Powers of the Governor is important in the application of the provision of the Fifth Schedule.The Governor of each State havingScheduled Areas will make a report to the President regarding the administration of theScheduled Areas in that State and the executive power of the Union shallextend to the giving of directions to the State as to the administration of thesaid areas. Under Article 244 (1) there are 10 states having Scheduled Areas that include: Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, and Madhya Pradesh, Maharashtra, Odisha, Rajasthan, andTelangana.

For the administration and control of these Scheduled areas,there shall be a TribesAdvisory Council established in each statehaving Scheduled Areas. The TribesAdvisory Council consists of not more than twenty members of whom, asnearly as may be, three-fourths shall be the representatives of the ScheduledTribes in the Legislative Assembly of the State. The Governor of the state has the power to decide whether any central or state legislation implies over the state having scheduled areas.Governor can also repeal or amend any regulations made by Parliament or State legislature having scheduled areas but only with the assent of the President of India. The Tribes Advisory Council has advisory power to advise on suchmatters pertaining to the welfare and advancement of the Scheduled Tribesin the State as may be referred to them by the Governor.The Governor may make rules prescribing or regulating-

> (a) the number of members of the Council, the mode of their appointment and the appointment of the Chairman of the Council and of the officers and servants thereof; (b) the conduct of its meetings and its procedure in general; and (c) all other incidental matters.

The Governor may, by public notification direct thatany particular Act of Parliament or of the Legislature of the State shall notapply to a Scheduled Area or any part thereof in the State, subject to such exceptions and modifications, as specified.The Governor may make regulations for the peace and goodgovernment of any area in a State which is for the time being a ScheduledArea. Such regulations may:

(a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;

(b) regulate the allotment of land to members of the Scheduled Tribes in such area;

(c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

In making any such regulations, the Governor may repeal or amend any Act ofParliament or of the Legislature of the State or any existing law after getting the assent of the President.

Thus, for the administration of the Scheduled Areas, the Fifth Schedule of the constitution provided an institutional mechanism through the formation of the Tribes Advisory Council which functioned as an advisory body for the welfare and advancement of the Scheduled Tribes.

SAQ

Q. 1. Why Indian constitution has given such special provisions for "Schedule Areas" under Fifth Schedule? Discuss. (60 words)

……
……
……
……
……
……

Q.2. What are the provisions of the Fifth Schedule in the Indian Constitution? Discuss. (150 words)

……
……
……
……
……
…….

2.4.2 Sixth Schedule and Special Provisions

The Sixth Schedule of the Constitution under Article 244 (2) provides for the administration of tribal areas in Assam, Meghalaya, Tripura, and Mizoram to safeguard the rights of the tribal population in these states. Through the provisions of the Sixth Schedule, the tribal areas are to be administered as Autonomous Districts and Autonomous Regions. The Sixth Schedule of the Indian Constitution

was basically introduced for the majority tribal-dominated areas of then undivided Assam after independence which was categorised as "excluded areas" under the Government of India Act, 1935. During that period, the tribal areas of the undivided area were under the direct control of the Governor. The Constitution Assembly passed this Schedule in 1949 for the purpose of safeguarding the rights of the tribal population through the formation of the Autonomous District Council (ADC).

Under Article 244 (2) of the Sixth Schedule of the Constitution, four Northeastern states, Assam, Meghalaya, Tripura, and Mizoram, get special power for the administration of tribal areas where the Governor in these states has given special discretionary power.The Governor has the power to create a new Autonomous District or Region and also Governor can alter the territorial jurisdiction or the name of any Autonomous District or Autonomous Region.Under the Sixth Schedule of the Constitution, these four Northeastern states have ten Autonomous District Councils. Originally, these Autonomous Councils consisted of two parts A and B, but at present, there are 10 Autonomous Councils/ District Councils in four parts as listed below:

Table 2.1: Autonomous Councils in the Northeastern States

SL No	State	Autonomous Council
1	Assam (Part I)	Bodoland Territorial Council
2		Karbi Anglong Autonomous Council
3		Dima Hasao Autonomous District Council.
4	Meghalaya (Part II)	Garo Hills Autonomous District Council
5		Jaintia Hills District Autonomous District Council
6		Khasi Hills Autonomous District Council
7	Tripura (Part II A)	Tripura Tribal Areas Autonomous District Council
8	Mizoram (Part III)	Chakma Autonomous District Council
9		Lai Autonomous Council
10		Mara Autonomous District Council

The governor of the states in the "Tribal areas" under the Sixth Schedule is empowered to organise and re-organise the autonomous districts. These autonomous districts are directly administered by the Governor. The Governor can choose to include or exclude any area and increase or reduce the area of any autonomous districts or Districts Councils.If there are different tribes in an autonomous district, the governor can divide the district into several autonomous

regions. The governor has the authority to form new Autonomous Districts.

SAQ

Is your area coming under any Autonomous District Council? Discuss the significance of such Autonomous Councils in the administration of tribal areas in the Northeastern states. (100 words)

……
……
……
……
……
……

The composition of Autonomous District Councils and Regional Councils are as follows

- There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult franchise.
- The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members hold office during the pleasure of the governor.
- There shall be a separate Regional Council for each area constituted as an autonomous region.
- Each District Council and each Regional Council shall be a body corporate by the name respectively of “the District Council of (name of district)” and “the Regional Council of (name of region)”

The Sixth Schedule promotes tribal self-governance including the exercise of certain legislative, executive and judicial functions by Autonomous District Councils (ADC) in areas such as "management of forests, agriculture, community projects, co-operative societies, social welfare, village planning, inheritance of property, marriage, and social custom" (Bhattacharyya, 2003, p. 11). The administrative power and function of these Autonomous District Councils and Regional Councils differ from State to State. The power and functions of DistrictCouncils and Regional Councils have mentioned in the Sixth Schedule of the Constitution.

i) Legislative Power and Functions

With these special self-governance mechanisms under India's federal framework, these councils under Para 3 of the Schedule are empowered to make laws, rules, and regulations in some areas like land management, forest management, water resources, agriculture and cultivation, formation of village councils, inheritance of property, the appointment of traditional chiefs and headmen, marriage and divorce, social customs, public health, etc. Such mechanisms give self-governance to them and protect the endangered tribal identity and recognize their rights over their land and forests. It basically "intended to give self-management rights in matters pertaining to, inter alia, marriage, social customs, culture, land, religion and tradition "(Suan, 2018, p. 192). Under Para 10 of the Schedule, the Autonomous District Councils have the power to make regulations for the regulation and control ofmoney-lending or trading within the district by persons other than Scheduled
Tribes resident in the district. However, only with the assent of the Governor do such laws come into effect. Thus, the sixth schedule makes the Governor the head of the autonomous district council.

ii) Executive Power and Functions

Under Para 6 of the Sixth Schedule, the District Councils and Regional Councils can exercise some executive powers. The District Councils and Regional Councils have the power to establish, construct and manage primary schools, dispensaries, markets, cattle pounds, ferries,fisheries, roads, road transport, and waterways in the districts. The Councils can also make regulations and prescribe the language and the manner of instruction in which primary education shall be imparted in the primary schools in the districts.

iii) Judicial Power and Functions

Under Para 4 of the Six Schedule, the District and Regional Councils have the power to constitute village councils or courts for the trials of suits and cases all of whom belong to Schedule Tribes within such Schedule Tribes areas in Autonomous Districts. No othercourts except the High

Courts and the Supreme Court shall have the jurisdictionover such suits or cases of the Council Courts. However, these Councils don't have the power to decide such cases that involves offenses punishable by death, transportation of life, or imprisonment for five or more years.

iv) Financial Power and Functions

The Six Schedule also provides certain financial powers to the District and Regional Councils. Under Para 8 of the Sixth Schedule, District and Regional Councils have the power to assess and collect revenue in respect of such lands in accordancewith the principles for the time being followed by the Government of theState in assessing lands for the purpose of land revenue in the State generally. The Councils shall have the power to levy andcollect taxes on lands and buildings, and tolls on persons resident withinsuch areas. The Councils also have the powerto levy and collect land revenue and impose taxes on professions, trades, callings and employments, animals, vehicles and boats, taxes on the entry of goods into a market for sale therein, and tollson passengers and goods carried in ferries and taxes for the maintenance of schools, dispensaries or road. Under Para 9 of the Sixth Schedule, the Councils have the power to grant licenses or leases for the extraction ofmineralsin respect of any areawithin an autonomous district.The District Councils also have the power to make regulations for the regulation and control of
money-lending or trading within the district by persons other than ScheduledTribes resident in the district.

Check Your Progress

Q 1. Discuss the various provisions under the Sixth Schedule ofthe Indian Constitution?

Q. How does the Autonomous District Councils and Regional Councils formed under the Sixth Schedule? Discuss thevarious power and functions of Autonomous District Councils?

2.5 FIFTH SCHEDULE AND SIXTH SCHEDULE: A COMPARISON

The Fifth Schedule and Sixth Schedule in Indian Constitution were discussed and passed by Constituent Assembly on 5-7 September 1949. The main purpose of introducing these two schedules is to provide an alternative or special arrangement for the purpose of tribal self-governance to protect the cultural identities of various tribal groups in the Indian States. These two schedules provide a special governance mechanism for "Scheduled areas" mainly in 10 states of the Indian Union and certain "Tribal areas" in Northeastern states of the Indian Union. In general, the Indian Constitution under Parts 11-12 and Chapter 5-6 has mentioned the legislative, executive, and judicial authority of the states and Union Territories of India.

Table 2.2: Comparison between Fifth Schedule and Sixth Schedule of the Indian Constitution

	Fifth Schedule	**Sixth Schedule**
Area Cover	(Scheduled Area) Notified districts or parts thereof in 10 States: Himachal Pradesh, Rajasthan, Gujarat, Maharashtra, Andhra Pradesh, Telangana, Odisha, Jharkhand, Chhattisgarh, and Madhya Pradesh	(Tribal Areas) Notified districts or parts thereof in 4 States: Assam, Tripura, Mizoram Meghalaya
Type of Special Body	Tribes Advisory Council	(Autonomous) District Council & (Autonomous) Regional Council
Legislative Power of the Special Body	has advisory power to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State	make laws, rules, and regulations in some areas like land management, forest management, formation of village councils, the appointment of traditional chiefs and headmen, marriage and divorce, social customs, public health, etc.
Judicial Power the Special Body	N.A.	have the power to constitute village councils or courts for the trials of

		suits and cases all of whom belong to Schedule Tribes within such Schedule Tribes areas in Autonomous Districts.
Executive Power of the Special Body	N.A.	have the power to establish, construct and manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads, road transport, and waterways in the districts.
Financial Power of the Special Body	N.A.	have the power to levy and collect land revenue and impose taxes on professions, trades, taxes on the entry of goods into a market for sale etc. for the maintenance of schools, dispensaries or road.

While making a comparison between these two specific schedules, there is a vast difference between the Fifth Schedule and Sixth Schedule in terms of formation as well as power and functions. Under the provisions of the fifth schedule, the state legislature of that specified "Schedule Area" state creates Tribes Advisory Council for the administration of Schedule areas. Under the provisions of the Sixth Schedule, the constitution of India created the District Autonomous Councils and Regional Councils for the administration of Tribal areas in four Northeastern states. In comparison with the Tribes Advisory Councils, the District Autonomous Councils and Regional Councils enjoy a wide range of power in terms of executive, legislative and judicial power whereas, the Tribes Advisory Council has very limited powers.The Tribes Advisory Council only enjoys its status as an advisory body to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State. At the same time, District Councils and Regional Councils exercise certainexecutive, judicial as well as financial power.

Check Your Progress

Q. Do you think the District Autonomous Council has more power and function in Tribal administration than Tribes Advisory Council? Discuss the major difference between the Fifth Schedule and Sixth Schedule of the Indian Constitution.

2.6CONTESTATION AND INNOVATION: SIXTH SCHEDULE AND FIFTH SCHEDULE

Since the adoption of these two special provisions under Article 244 (1) and 244 (2) for the administration and controlling of the "Schedule areas" and "Tribal areas" of Indian states, there has been lots of contestation and innovations in terms of its power and structure. While examining the applicability of the Fifth Schedule in tribal majority areas of states other than North-East India, it has failed to deliver the desired outcome as these provisions have never been applied in the true sense. There are a lot of structural barriers while applying these provisions in true spirit. First, in the name of welfare and administration of scheduled areas under the Fifth Schedule, the Central Government exercises its control over the scheduled areas of that specific state through the Governor's office. However, despite the existence of various provisions in the Constitution, the Governor has not exercised any significant role. The state government rather than the Governor frames the rules, regulations, or policies for the functioning of the Tribes Advisory Council which led to political control of such bodies by the political parties in the powerof such respective states. The role of the State Government in such schedule areas is also not satisfactory in implementing these provisions. Because of their lack of interest in taking initiative and planning for the welfare and development of tribal areas, theseprovisions failed to achieve the desired goal. Secondly, the creation of Tribal Advisory Council without any powers like Autonomous District Councils or Regional Councils specifically in terms of legislative and financial powers makes these provisions no use in a practical sense. Thirdly,there is a lot of ambiguity in the Governor's discretionary role which resulted inthe controlling role of the State Government. It led to a serious deficit in the context of democratic ethos and governance.

Although Tribes Advisory Council has some advisory role in terms of welfare and development of scheduled areas, it is seen that the state governments have a tendency to neglect the views and advice of the Tribes Advisory Council. As a result, the democratic and constitutional

rights of various tribes become deprived and not reflected in the government's policy implementation. Because of such structures as well as institutional deficits, the activities of the Tribes Advisory Councils are influenced by the political party that runs the state administration.

Comparatively, the Sixth Schedule has more power and responsibilities in tribal administration than the fifth schedule. However, the Sixth schedule has also various limitations in terms of implementation as well asexecution at the local level. The Sixth schedule is meant for the four Northeastern states where before introducing these special provisions, the existence of traditional structures like Chief and Headmen in tribal society become a significant challenge for establishing this modern set-up in tribal societies. As these new constitutional provisions replaced or weaken the position and relevance of such traditional structure of village Chief and Headmen in tribal societies. In some portions of tribal dominant societies in Northeast India, the sixthschedule faced strong opposition from tribal societies as they felt this institutional mechanism for their administration will deprive their indigenous rights and privileges which they are enjoying in their traditional setup. Another problematic aspect of these special provisions in four Northeastern states is the emergence of new demand for the introduction of the same special demands by different tribal groups who are not includedunder the sixth schedule provisions. It has also created a conflictual situation among different tribal versus non-tribal groups in Northeast India. Similarly, in some autonomous councils like Bodo Autonomous Councils and Chakma Councils, it is seen that within one autonomous council the existence of various tribal communities with different cultures also creates lots of problems in its successful functioning. At the same time, there is a conflict of interest between the District Councils and the State legislatures in terms of its functioning and policy implementation. In such conflicts, the state legislature enjoys the superior status which led to an institutional deficit in such administrative set-up. Although, the provisions are meant to be for the development and welfare of the common people of that tribal area, however, the tribal elites become the main beneficiary to fulfil their political aspirationsand appropriated all the vested power. As a result, the common people failed to enjoy such benefits under these provisions. Despite the autonomy status at the local level, the development benefits have not reached the common people in such areas.

There is a new demand has arisen for more autonomy in terms of financial power as well as extending the provisions of the Sixth schedule to different tribal groups in Northeast India. The government

of India also from time-to-time incorporated new amendments, and provisions to accommodate such growing interests and aspirations among tribal groups in the region. For example, under the 90th Amendment of the Indian Constitution through the sixth schedule to the Constitution (Amendment) Bill, 2003 created the Bodoland Territorial Council (BTC) in Assam to include Bodo communities under the Sixth schedule. In January 2019the current BJP government at the Centre-approved 125th Constitution Amendment Bill, 2019 toamendArticle 280 and Sixth Schedule of the Constitution that will increase autonomy, financial resources, and powers of the 10 Autonomous Councils in Northeastern states.The amendment provides for the transfer of additional 30 subjects, including departments of Public Works, Forests, Public Health Engineering, Health and Family Welfare, Urban Development, and Food and Civil Supply to Karbi Anglong Autonomous Territorial Council and Dima Hasao Autonomous Territorial Council in Assam.The proposed amendmentwill empower the village councils to prepare plans for economic development and social justice, including those related to agriculture, land improvement, implementation of land reforms, minor irrigation, water management, animal husbandry, rural electrification, small-scale industries, and social forestry.

2.7 SUMMING UP

After reading this unit, you can understand the idea of the Fifth Schedule and Sixth Schedule in the Indian Constitution as special provisionunder India's asymmetrical federal framework.

The Fifth Schedule and Sixth Schedule in Indian Constitution were discussed and passed by Constituent Assembly on 5-7 September 1949. These two schedules provide an alternative or special arrangement for tribal administration to provide tribal self-governance and protect the cultural identities of various tribal groups in the Indian States. These two schedules provide a special governance mechanism for "Scheduled areas" mainly in 10 states of the Indian Union and certain "Tribal areas" in four Northeastern states of the Indian Union. In terms of understanding the power and functions of institutional setup for the tribal administration under these two schedules, there is a vast difference between the Fifth Schedule and Sixth Schedule.

The provisions of the fifth schedulehas createdthe Tribes Advisory Council for the administration of Schedule areas whereas the Sixth Schedule created the District Autonomous Councils and Regional Councils for the administration of Tribal areas in four Northeastern

states. While examining the power and functions of these two institutional mechanisms, the Autonomous District Councils and Regional Councils enjoy a wide range of power in terms of executive, legislative and judicial power.The Tribes Advisory Council has very limited powersas an advisory body to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State.

Check Your Progress

Q. How do you evaluate the importance of special provisions for tribal administration in Indian states under the Fifth and Sixth schedules? From a comparative perspective, discuss the provisions of the Fifth Schedule and the Sixth Schedule in the Indian Constitution.

2.8 REFERENCES AND SUGGESTED READINGS

Bhattacharyya, Harihar. (2003). Indian federalism and tribal self-rule. *Federations*, 3(3), pp.11-12.

Doungel, J. (2022). The Sixth Schedule to the constitution of India: Emergence and development. In *Autonomy and Democratic Governance in Northeast India* (pp. 17-33). Routledge India.

Gogoi, T., & Borah, P.P. (2019). "Accommodating Diversity and Asymmetrical Federalism: Discourses of Federal Governance from the Northeast India." In *Glocalization and Federal Governance in India*, edited by Ruchi Tyagi, Sunita Mangla, and Nivedita Giri, pp 315-328. New Delhi: Bloomsbury.

Government of Assam. (n.d.). Autonomous Councils. Retrieved from https://assam.gov.in/government/410

Hausing, K. K. S. (2018). Salvaging autonomy in India's Northeast: Beyond the Sixth Schedule way. In *Northeast India* eds. Bhagat Oinam and Dhiren A. Sadokpam. (pp. 187-198). New York: Routledge.

Shekhavat, M.S. (2021). Tribes of North-East India. *International Journal for Legal Research & Analysis* 2 (1)

Singh, N. K. (2019). Unit-12 Fifth and sixth schedules. *Block-3 Federalism and Decentralization.*Indira Gandhi National Open University, New Delhi. Retrieved from http://egyankosh.ac.in//handle/123456789/57930

The Hindustan Times. (2019, January 24). Cabinet approves increase in Autonomous Councils' powers in Sixth Schedule areas in Northeast. Retrieved from https://www.hindustantimes.com/india-news/cabinet-approves-increase-in-autonomous-councils-powers-in-sixth-schedule-areas-in-north-east/story-nboPfF0TeqekgKpOmOuXyL.html

The Indian Express. (2019, January 24). Cabinet approves constitutional amendment: North-East autonomous councils set to get more power, funds. Retrieved from https://indianexpress.com/article/north-east-india/cabinet-approves-constitutional-amendment-north-east-autonomous-councils-set-to-get-more-power-funds-5553070/

---×---

UNIT 3: AUTONOMOUS COUNCIL AND DEVELOPMENT COUNCIL

Unit Structure:

3.1 Introduction
3.2 Objectives
3.3 Autonomous Council
3.3.1 Powers and functions of Autonomous district council
3.4 Development Council
3.4.1 Powers, Functions and Responsibilities of Development Council
3.4.2 Objectives of the National Development Council
3.5 Summing Up
3.6 References and further reading

3.1 INTRODUCTION

India is a huge country with a diverse population. The tradition and cultural values of its states are different from one another. Administration in tribal areas is always a matter of concern. Each tribal community has their own governance system and rule of law. Government has failed to understand this. Tribal areas in India are divided into schedule V and schedule VI according to the constitution of India. Administrative autonomy was given to the tribal areas under VI schedule. Before India's independence most of its current states are princely states under various kingdoms. Due to the strong leadership of the India's independent movement almost all the population joined in the movement. But most of them were joined in the freedom struggle with a hope of having their own separate state after India's independence. India got independence in 1947 and divided into two sovereign countries, India and Pakistan. Rest of the provinces remained with India. This created serious tensions in the areas like North-Eastern states. Many insurgents' organisations come up with the demand of separate state. To combat

these problems the Government of India brings the concept of Autonomous councils and development councils under the 6th schedule of Indian constitution. In 1929 the Nagas gave a petition to the Simon Commission of India demanding autonomy from India. The Khasis, Garos, Mizos and Karbis raised the demand for separation from the larger state of Assam and self governance for their own tribal people. The constitution makers of India realized the importance of separate political and administrative mechanism for the hill tribes thus they created autonomous district councils under the 6th schedule of the constitution of India.

The 6th schedule of the constitution is based upon the recommendation of the North-East Frontiers (Assam) Tribal and Excluded areas subcommittee, popularly known as Bordoloi Committee under the chairpersonship of Mr. Gopinath Bordoloi the then Chief Minister of Assam. After studying the local administration of the hill areas Bordoloi Committee recommended setting up of an administrative body, which would be based on the regional autonomy in all matters relating customs, laws of inheritance, administration of justice, land, forest etc. [1]

Hence the constitution of India grants local self governing status to the tribal groups in the form of autonomous councils. This helps in democratic decentralization of power and smooth functioning of the tribal administration. This is also important in preserving the unique identity of North-East India.

The development councils are the outcome of the recommendation of the planning commission of India to accelerate the growth of each state including in it. In the draft outline of the First Five-Year Plan, the Commission recommended the need for a body comprising the central and state governments to enable the plans to have a national character.

[1] Report published by *action aid India* on autonomous district council, 2016

The National Development Council was set up in 6August 1952 to strengthen and mobilize the effort and resources of the nation in support of the Five Year Plans made by Planning Commission, to promote common economic policies in all vital spheres, and to ensure the balanced and rapid development of all parts of the country. The Council comprises the Prime Minister, the Union Cabinet Ministers, Chief Ministers of all States, representatives of the Union Territories and the members of the NITI Aayog. In Assam there are 33 development councils.

3.2 OBJECTIVES

1. To understand the meaning of Autonomous council and development council

2. To know about the powers and functions of Autonomous council and development council.

3.3 AUTONOMOUS COUNCIL

India's population consists of 100 million tribal people who have constitutionally been addressed via two distinct avenues i.e. Fifth and Sixth Schedule. Fifth and Sixth Schedules were discussed and passed by Constituent Assembly between September 5-7, 1949. The Fifth Schedule applies to the overwhelming majority of India's tribes in nine States, while the Sixth Schedule covers areas that are settled in the northeastern States bordering China and Myanmar. The Sixth Schedule gives tribal communities considerable autonomy; the States of Assam, Tripura, Meghalaya, and Mizoram are autonomous regions under the Sixth Schedule. The District Council and the Regional Council under the Sixth Schedule have real power to make laws, possibility on the various legislative subjects,

receiving grants-in-aid from the Consolidated Fund of India to meet the costs of schemes for development, health care, education, roads and regulatory powers to state control. The mandate towards devolution, deconcentration and divestment determines the protection of their customs, better economic development and most importantly ethnic security. However, the Sixth Schedule has its own shortcomings; breakdown of law and order, elections not being contested, rather than empowerment there is exclusion that fails to provide much-needed protection to tribes in the absence of political will, and live by the mercy of government funds.

Sixth Schedule

The Sixth Schedule of the Constitution deals with the administration of the tribal areas in the four northeastern states of Assam, Meghalaya, Tripura and Mizoram as per Article 244. The Governor is empowered to increase or decrease the areas or change the names of the autonomous districts. While executive powers of the Union extend in Scheduled areas with respect to their administration in Vth schedule, the VI schedule areas remain within executive authority of the state. The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions or apply with specified modifications and exceptions. [2]The Councils have also been endowed with wide civil and criminal judicial powers, for example establishing village courts etc. However, the jurisdiction of these councils is subject to the jurisdiction of the concerned High Court. The sixth schedule to the Constitution includes 10 autonomous district councils in 4 states. These are:

Assam: Bodoland Territorial Council, Karbi Anglong Autonomous Council and Dima Hasao Autonomous District Council.

Meghalaya: Garo Hills Autonomous District Council, Jaintia Hills Autonomous District Council and Khasi Hills Autonomous District Council.

Tripura: Tripura Tribal Areas Autonomous District Council.

Mizoram: Chakma Autonomous District Council, Lai Autonomous District Council, Mara Autonomous District Council.

---

[2] https://www.drishtiias.com/pdf/autonomous-district-councils.pdf

3.3.1 Powers and functions of Autonomous district council:

- **Executive Powers And Functions** like the ADCs have executive power to construct or manage primary schools, dispensaries, markets, cattle, ponds, roads and water ways, land revenue, forest, primary education, taxes, administration of villages and towns under (para 6 and 8 of sixth schedule). The executive committee EC of district council to carry executive functions. The chief executive members (CEM) are elected by district council amongst themselves and by the Governor.

- **Judicial Powers And Functions** which entitles the council to constitute village and district council courts in autonomous areas to adjudicate or try cases or customary laws in which both the parties are tribe but no case involving offences punishable by death transportation of life or imprisonment for not less than five years are heard and adjudicated by these courts. The district council courts and the regional council courts are courts of appeal in respect of all suits and cases tried by village council courts and subordinate district council courts. No other court except the High Court and Supreme Court of India have jurisdiction over suits and cases decided by the council courts.(para 4 of sixth schedule)

- **Legislative Powers And Functions** which gives powers to the district councils to make laws for allotment, occupation, use of land, other than reserved forests for purposes of agriculture, grazing and other residential and non residential purposes, management of unreserved forests, use of water courses and canals for agricultural purposes, regulation of shifting cultivation, establishment of village councils and town committees,

administration of village policy, public health and sanitation, appointment and succession of chiefs or headmen, inheritance of property, marriage, divorce and social customs, money lending and trading by non-tribal's within the autonomous districts. The governor has the power to alter laws or rules passed by district councils, which are in violation of provisions of sixth schedule. The sixth schedule thus makes the Governor the head of the autonomous district council. (Mostly in para 3 of sixth schedule)

- **Financial Powers And Functions** can be used by the district council and the regional council. They have the responsibility for framing rules for the management of finances and approval of the Governor. They are also have mutually exclusive powers to collect land revenues, levy and collect taxes on lands, holdings, shops, entry of goods into market and tolls etc within their respective jurisdictions and the District Council has concurrent power on the professional trade, professions, trade, callings, employments, animals, vehicles and huts, tolls on passengers and goods carried in ferries or boats or on waterways and maintenance of schools, dispensaries or roads (Under para 9 of sixth schedule). Royalty on licenses or leases for the extraction of minerals in the autonomous districts goes to the district council.

  As regards the tax on motor vehicles, it is assigned and collected by the state government on behalf of district council. Grants-in-aid, loans and advances or any kind of loan etc from the state government, constitute other sources of income of the councils. The district council enjoys autonomy and the acts of parliament and state legislatures on the subject under them do not normally apply to the autonomous districts. They may be extended there with such exceptions and modifications as are considered necessary by the district regional council concerned.

3.4 DEVELOPMENT COUNCIL

National Development Council (NDC) – Background

- The National Development Council is one of the key organizations of the planning system in India.
- It symbolizes the federal approach to planning and is the instrument for ensuring that the planning system adopts a truly national perspective.
- The NDC has experienced numerous ups and downs in its fortunes. Its status has been determined by the prevailing political climate and the support provided to it by the government in power at the centre and the effectiveness of the pressures exerted by state governments.
- Notwithstanding the vicissitudes that it has faced during the past six decades, its continuing presence in the apex policy structure has always been felt.
- Way back in 1946, the Planning Advisory Board under the chairmanship of KC Neogi, had recommended the setting up of an advisory organization that would include representatives of the provinces, princely states and other interests. Although this idea was not implemented before independence, its rationale was well appreciated.
- The Planning Commission of the Government of India, in the initial days of its inception, had recognized the potential utility of such a coordinating body.
- In the Draft First Five Year Plan, it was stressed by the Planning Commission that in a vast country like India, where under the constitution, the states enjoy autonomy in the performance of their functions, there was a need for a body like the National

Development Council that may facilitate the periodical evaluation of planning and its various facets by the Prime Minister and the state Chief Ministers.[3]

- Accordingly, the National Development Council was set up by a proposal of the Cabinet Secretariat of the Government of India in August 1952.

3.4.1 Powers, Functions and Responsibilities of Development Council:

In October 1967, on the recommendations of the Administrative Reforms Commission, the Council was reconstituted and its functions were redefined to include:

- Prescription of guidelines for the formulation of National Plan, including the assessment of resources for the Plan
- Consideration of National Plan as formulated by the National Development Council; considering important questions of social and economic policy affecting national development.
- The review of the working of the Plan from time to time and recommend such measures as are necessary for achieving the aims and targets to secure the active participation and cooperation of the people, improving the efficiency of the administrative services, ensuring the fullest development of the less advanced regions and sections of the community and, through sacrifice, borne equally, by all citizens, build up resources for national development.
- It was envisaged that the National Development Council would advise and make its recommendations to the Central and State Governments.

[3] https://byjus.com/free-ias-prep/national-development-council/

- Since its inception, it has been functioning as a high power consultative body where the frame of the Five Year Plans, the important problems facing the Indian economy, and the policies, that have to be adopted for tiding over the urgent problems have been discussed and solutions arrived at.
- Thus in addition to the Plan, the Council has concerned itself with problems like food, creation of the State Trading Corporation and land reforms.
- The prime function of the Council is to act as a kind of bridge between the Union Government, the Planning Commission and the State Governments.
- It helps in the coordination not only of policies and programmes of plans but also other matters of national importance. It provides a good forum for discussion and full and free exchange of views.
- There is no other comparative forum. It is also a device for sharing of responsibility between States and the Union Government. Government of India accepted the recommendations of the First ARC in a slightly modified form. It was decided that the NDC, headed by the PM, should comprise all Union cabinet ministers, Chief Ministers of states, Chief Ministers/Chief executives of the union territories and members of the Planning Commission. Accordingly, the NDC was reconstituted in October 1967, on these lines. It may be noted that the NDC generally, does not pass any formal resolutions.

3.4.2 Objectives of the National Development Council-

NDC is an advisory body to the Planning Commission. The major objectives of NDC can be listed below:

- To strengthen and mobilize the effort and resources of the nation in support of the Plan.

- To promote common economic policies in all vital spheres.
- To ensure the balanced and rapid development of all parts of the country.

In addition to this, NDC provides a platform for all the states to discuss their problems and issues related to development. Thus, it secures the cooperation of the states in the execution of developmental plans.

CHECK YOUR PROGRESS

1. What do you mean by Autonomous Councils?
2. What is the meaning of Sixth schedule?
3. What are the functions of Development council?
4. What are the powers and functions of Autonomous council?

3.5 SUMMING UP

For the inclusive development of India it is very important for the autonomous councils and the development councils to function in proper way. They are being formed for the smooth functioning of Indian democracy and decentralization of powers. The establishment of these two types of council the indigenous people of the various states of India could take part in the decision making process of their respective places. But in actual we can see that most of the councils are corrupt in nature. The members of the councils are mostly busy in building their own political career and indulging in dishonest activities. The important issues like health, education, communication, poverty are not addressed by the members in a serious way. This developments lead to the dissatisfaction amongst the people, and their trust regarding the councils are reducing.

For the state as well as central government of India it is necessary to have a strong vigilance regarding the activities of the councils, so that they can be accountable to the governments.

3.6 SUGGESTED READINGS AND REFERENCES

1. Report published by *action aid India* on autonomous district council, 2016
2. https://www.drishtiias.com/pdf/autonomous-district-councils.pdf
3. https://byjus.com/free-ias-prep/national-development-council/
4. *Autonomous district council: As a tool for diversity management: a boon or a bane,* Triveni Goswami Vernal, Omeo Kumar Das Institute for Research and Develoment, 2016.
5. *Autonomous District Council,* edited by L.S. Gassah, Omsons Publication, 1997.
6. *Autonomous District Council and Tribal Welfare in North-East India.* Suman Kalyan Choudhury, Sukanta Sarkar, Kalpaz Publication 2014.

UNIT 4
FISCAL FEDERALISM: RESOURCE DISTRIBUTION AND THE FINANCE COMMISSION

1.1 Introduction
1.2 Objective
1.3 Concept of fiscal federalism
1.3.1 Historical background
1.3.2 Working of fiscal federalism in India
1.3.3 Challenges in realizing fiscal federalism in India
1.4 Resource distribution between centre and the state
1.4.1 Constitutional provisions
1.4.2 Resource sharing with the local self-government
1.5 Finance Commission
1.5.1 Constitution of Finance Commission and its function.
1.5.2 Finance Commission in promoting Fiscal Federalism
1.6 The 15th finance commission
1.7 Summing up
1.8 References and suggested readings

1.1 Introduction

In a federal system of government, power, responsibilities and resources are divided between various units of the government. It is done to avoid any tussle between central and the state governments through a well defined constitutional mechanism. In fiscal federalism the resources of the country are divided between the tiers of

government and provide financial autonomy in terms of decision making. However, fiscal federalism is not confined to federal countries only. It has more to do with division of responsibilities and resources irrespective of whether the State is politically federal or not. In India, along with the constitutional provisions relating to the sharing of resources and taxation between centre and the state governments, the Finance Commission is constituted to promote fiscal federalism.

1.2 Objectives

The objectives of this unit are to introduce the reader to the idea of fiscal federalism and various aspects of it. After going through the unit we shall be able to:

1. Understand the concept of fiscal federalism.
2. Describe various aspects of fiscal federalism.
3. Explain the role and functions of finance commission.
4. Discuss about the sharing of resources between centre and the states.
5. Describe how fiscal federalism helps in bringing cooperative federalism.

1.3 Concept of fiscal federalism

Fisc in literal terms means public exchequer or the treasury and on the other hand word federal means a system of government having two or more tiers. Hence fiscal federalism means the financial relation between different units of the government in a federal set up. It refers to division of responsibilities with regards to public expenditure and taxation between different tiers of the government. The term was introduced by the American economist Richard Musgrave in 1959 for the first time. This concept applies to all forms of government whether unitary, federal or confederal.

1.3.1 Historical Background

To understand the concept of fiscal federalism in Indian context it is very important to dwell on to the evolution of it in India. Many features of fiscal federalism in India are interlinked with the history of British East India Company and the British Government. The current budgetary system that India follows along with the system of the financial year starting from 1st April to 31st March were adopted in 1858 with British government taking direct control of Indian territory. The current systems of division of power between Centre and states through Union, State and Concurrent Lists have their genesis from the first Budget, which was presented by the British Indian government in 1860s.

The modern federalism in India could be said to be begun from the passing of Government of India Act 1919. It for the first time provided for the clear separation of revenue sources between the Central and the Provincial governments. Fiscal federalism got another great boost in 1935 with the passing of the Government of India Act in that year. The act provided for the provision of transfer as well as sharing of revenue between centre and the provinces along with the distribution of jurisdictional revenue between centre and the states. Post independence center assumed greater importance.

Until-1993 the Indian system of government worked as a two tier structure. In 1992 the 73rd and 74th amendments were done to provide constitutional status to the local government. The amendments made the local self government as the third tier of government in the Indian federal system. But in terms of financial resources, such governments are largely dependent on the devolutions from State government. However local governments, at the rural level that is panchayats are assigned 29 items on which they can make laws and create their pool of financial resources and local governments at the urban level that is

municipalities are assigned 17 items for the same. Thus the local governments also work as the third tier of fiscal federalism in India.

Unitary	Federal	Confederal
A unitary country has a single or multi-tiered government in which effective control of all government functions rests with the central government.	A federal form of government has a multi-layered structure, with all orders of government having some independent as well as shared responsibilities of decision-making. Federalism represents either a "coming together" or a "holding together" of constituent geographic units.	In a confederal system, the general government serves as the agent of the member units, usually without independent taxing and spending powers.

Stop to consider :

Source: Author's compilation based on Shah (2007[2]), "Introduction: Principles of Fiscal Federalism", in A. Shah and J. Kincaid (eds.), The Practice of Fiscal Federalism: Comparative Perspectives, McGill-Queen's University Press

1.3.2 Working of fiscal federalism in India

Fiscal federalism is considered as an important institutional arrangement for providing financial independence to the states as well

as for providing public services. It brings together the advantages of decentralization and as well as economic development. fiscal federalism implies that everything starting from boundaries, tax, intergovernmental and interjurisdictional interactions and intergovernmental transfer systems, expenditure assignments etc are purely determined on economic considerations.

The fiscal federalism in India has undergone significant changes in the recent years. These changes are attributed to three distinguish factors. These are-

- The abolition of the erstwhile planning commission and creation of a new extra constitutional body in the form of NITI Aayog in 2015. Unlike the planning commission which used to follow top down approach, the NITI Aayog follows the

bottom up approach which allows equal participation of the states and thus helps in fostering cooperative federalism.

- Based on the recommendation of the fourteenth finance commission fundamental changes in the system of revenue transfer were made. The 14th finance commission recommended higher tax devolution to the states.
- Another significant change occurred due to the introduction of goods and services tax and subsequent establishment of GST Council by 101st constitutional amendment act for the Central and state government to jointly deliberate and take decisions regarding the share of tax revenue.

The above mentioned changes has led to the far reaching consequences in the matter of center state fiscal relations.

SAQ:

What do you understand by the term quasi-federal state? Discuss the nature of India federalism.

.....
.....
.....
.....

1.3.3 Challenges in realizing fiscal federalism in India

Due to the recent changes certain issues have emerged in the current fiscal federalism structure of India there has been a resurgence of vertical, horizontal as well as developmental imbalances in the structure is being witnessed. These are discussed below

●Vertical imbalances:

(I) Vertical imbalances arise due to fiscal asymmetry in the taxation power of the center and state in relation to there expenditure responsibilities as provided by the Indian constitution.

(II) In terms of domain of taxation the central government enjoys much greater share of taxes that is 60% in comparison to states despite the fact that the expenditure responsibilities of the center is only 40% of the total public expenditure

(III) These imbalances are further increased in case of local bodies where they enjoy only a meager share of taxes.

●Horizontal imbalances:

(I) The horizontal imbalances occur due to the differing levels of attainment by the state, which are resulted from the difference in the growth rate of the states and their developmental status. The differences are seen in terms of standards of delivery of public services.

(II) The conditional grants provided by the finance commission further increases the horizontal imbalances between the states. It sometimes restrict the independent fiscal decisions of the states.

(III) The function of finance commission as a monitoring agency of the fiscal status of the states and their performance sometimes goes against the constitutional role of the finance commission.

●Developmental imbalances:

It occurs due to differences in terms of per capita income between states and also due to regional desperations in development .

For the successful functioning of fiscal federalism in India these imbalances need to be addressed in the following ways-

(I) The imbalances can be addressed through the provision of higher devolution to the states by the center in order to empower them financially.

(II) All the three tiers of the government need to be financially empowered to better target their fiscal deficit in a cooperative manner.

(III) Fiscal space need to be provided to all the levels of government.

Check your progress:

Q1. What is fiscal federalism?

Q2.Discuss the evolution of fiscal federalism in India?

Q3.How fiscal federalism works in India? What are the challenges it faces in Indian context .

1.4 Distribution of resources between Centre and the states

In India federal system in the structure of government is followed where powers are divided between centre and the states. In the 7th schedule of the constitution of India the division of power is enumerated. It includes three lists regarding power sharing between Union and the states, which is provided in the Article 246 of the constitution. These are as follows:

1. The Union list- at present the Union list contains 100 subjects on which the centre has the exclusive powers of legislation. In terms of financial powers, the list includes taxes like custom duty, excise duty, corporate tax and tax on income (other than agricultural income) etc.

2. The state list- there are 61 subjects enumerated in this list. The states in Indian Union enjoy full authority to make laws on the subjects

included in the state list. However in certain specific circumstances the centre can legislate on the state list. Example- during National emergency. In terms of financial powers The list includes taxes like stamp duty, tax on luxuries, entertainment tax, tax on liquor, vehicle, sale and purchase of goods etc.

3. The concurrent list- at present there are 52 subjects under the concurrent list. On the subjects of the concurrent list, both the centre and the state can legislate. It doesn't include any major tax as such. It helps in avoiding over exploitation of sources of revenue by centre and states and aslo avoids overlapping of tax jurisdictions. However in case of conflict between centre and state over the subject of concurrent list, the laws made by the centre will prevail.

Apart from these three lists, the constitution of India also enumerates certain articles which provides for the distribution of financial powers like levying and collection of taxes between centre and the states. Article 268 to 281 of the Indian constitution made elaborate provisions relating to the distribution of financial resources between centre and the states. It also provides for systematic arrangements between centre and states regarding their collaboration for levying and collection of taxes. Let us discuss these articles one by one to have a clear idea on the sharing of financial resources between centre and the states.

1. Article 268- duties levied by the union but collected and appropriated by the states. It includes stamp duties on bills of exchange, cheques and promissory notes. All the decisions regarding the levy of taxes and its appropriation rests with the union government.

2. Article 269- taxes levied and collected by the union but assigned to the states. It includes taxes on sale or purchase of goods (other than newspaper)., taxes on the consignment of goods in the course of inter-state trade and commerce. These taxes are assigned to the concerned states according to the provisions made by the parliament.

3. Article 269 A- by the 101st constitutional amendment act this new article was inserted to the constitution which provides for the

provisions of Goods and Services Tax. It involves the levying and collection of GST. It applies in the case of inter-state trade and commerce. The tax collected under GST shall be appropriated between centre and the states. The laws regarding the sharing of taxes under GST are made by the parliament in accordance with the recommendations of the GST council (article 279 A)

4. Article 270- taxes levied and collected by the centre but distributed between the centre and the states. Except for the taxes referred to in the articles 268, 268-A, 269, surcharges on taxes referred to in the article 271 and any cess levied for specific purpose; it includes all the taxes and duties mentioned in the Union list. It includes taxes such as- excise duty on non-GST products, Income tax, basic customs duty etc.

5. Article 271- surcharge on certain taxes and duties for purpose of the centre. The centre at any time can levy a surcharge on taxes and duties to increase the revenue of the government. All the proceeds of such surcharges goes to the consolidated fund of the union. States have no share in the surcharges levied by the union.

6. The other provisions of the constitution relating to taxation are as follows- prior recommendation of the president on bills affecting taxation in states (Article 274), taxes on professions, trades, callings and employments (Article 276) etc.

7. Article 275 and Article 282 deals with Grants in aid to the states. Article 275 provides for statutory grants to the states by the centre to assist the states in their financial needs. The grants are augmented from the consolidated fund of India. Article 282 provides for discretionary grants. It empowers the centre and the state government to make any grant for any public purpose. These grants are not compulsory in nature.

8. Article 280 and 281 includes finance Commission and its recommendation respectively. We will discuss these in later part of the unit.

Thus the constitution of India provides for wide ranging provisions regarding the distribution of resources between centre and the states.

1.4.1 Resource sharing with local self-government

The government at one level that is at the centre cannot carry out diverse functions of the country which helps in meeting the demands of regional aspirations and needs. Problems and needs may differ across various parts of the country and it is believed that governments at the local level which is nearest to the people would understand their requirements in a more appropriate manner.

As it is already mentioned above that certain subjects are delegated by the state governments to the local governments for raising their financial independence, they are also provided with grants directly from the ce3ntral government for certain schemes. To recommend the amount to be devolved to the local governments by the states, the state finance commission was created. The state finance commission decides the net proceeds of taxes between states and panchayats/ municipalities, also determines the taxes, duties, tolls etc. at the local level.

Stop to consider:

Specific circumstances when centre can legislate on the subjects of state list-

(I) Article 249- power of parliament to legislate in the matter of state list in national interest ,when rajya sabha passes a resolution for the same.

(II) Article 250- parliament legislate on state list during national emergency.

(III) Article 252-when two or more states requests the parliament to make laws on the subject of state list.

(IV) Article 253- parliament legislate on state list for giving effect to international treaties.

Check your progress:

Q1. Discuss the constitutional provisions of division of taxes between centre and the states of India?
Q2.What are the different types of grants provided by the Union to the states in India?
Q3.In the light of fiscal federalism in India discuss the status of local governments?

1.5 Finance Commission

Under article 280 the Indian constitution provides for the Finance Commission. It is a quasi-judicial body constituted for the providing recommendation to the president regarding the distribution of finances between centre and he states. It is advisory in nature. The finance commission is constituted by the president in every five year.

1.5.1 Composition of Finance Commission and its functions

The finance commission is a five member body including the chairperson. The members are appointed by the president for a term of five years. they are eligible for reappointment. The constitution provided the provision that the qualifications of the members of the commission and the manner of their selection are determine by the parliament. Accordingly he parliament has specified the qualifications for the chairperson and he members of he commission as, the chairperson should be a person having experience in public affairs and the other members should be selected from amongst the following-

1. a judge of high court or a person who is qualified to be a judge of high court
2. a person having specialized knowledge about the accounts and finance of the government

3. a person having wide experiences in administration as well as in financial matters

4. and a person having special knowledge of economics

There are certain grounds also under which the members of the finance commission can be disqualified. These are-

1. if he/she is of unsound mind
2. if he/she is an undercharged insolvent
3. if he/she is being convicted of an offence involving moral turpitude
4. if he/she has such financial or other interests as is likely to affect prejudicially his/her functions as a member of the commission.

The finance commission was created to perform certain specific functions. It is required to make certain recommendations to the President of India on the matters of finances like-

1. The distribution of the net proceeds of taxes to be shared between centre and the states, and the allocation between he states of the respective shares of such proceeds.
2. The principles that should govern the grants in aid o the states by the centre (i.e. out of the consolidated fund of India).
3. Any other matter referred to it by the President in the interest of sound finance.
4. The measures needed to augment the consolidated fund of a state to supplement the resources of the panchayats and the municipalities in the state on the basis of the recommendations made by the state finance commission.
5. The commission submits its report to the president. He lays it before both the houses of

Parliament along with an explanatory memorandum as to the action taken on its recommendations.

Stop to consider:

One of the most important functions of finance commission i.e. making recommendation to the president regarding the measures needed to augment the consolidated fund of a state to supplement the resources of local bodies in accordance with the state finance commission recommendation was added by the 73rd and 74th constitutional amendment acts of 1992, which have granted constitutional status and protection to the panchayats and the municipalities respectively.

1.5.2 Finance commission in promoting fiscal federalism

The finance commission works for promoting fiscal federalism in India. It is known as the balancing wheel of fiscal federalism in India. Till 2014 the role of finance commission in the centre state fiscal relations was undermined by the erstwhile planning commission which was a non-constitutional and a non-statutory body. According to Dr. P. V. Rajamannar, the chairman of fourth finance commission observed that the functions and the responsibilities of both the commissions overlap to a great extent. He was of the view that setting up of the Planning Commission curtailed the scope and functions of the Finance Commission.

The recommendations Of the finance commission are non-binding on the government according to the constitution. However there is a general precedent that governments usually go by the recommendations and suggestions of the finance commission regarding the matter of sharing of revenue. The recommendations given by the finance commission regarding the distribution of taxes and duties as well as grants and aids by the central government are usually implemented by a presidential order.

The finance Commission works in redressing the vertical imbalances between the center and the states in terms of taxation powers and

expenditure responsibilities as well as helps in equalization of all public services i.e. health, education, infrastructure etc. across the states. Thus, finance commission leads to cooperation between centre and states which in turn helps in promoting cooperative federalism in the county. And for proper realization of fiscal federalism, cooperation is the key.

Stop to consider

State Finance Commission:

The state finance commission is created by 73rd and 74th constitutional amendment act in 1992 to rationalise the local level fiscal relations in India. Article 243-I of the constitution provides for the creation of state finance commission to review financial position in Indian states. The article empowers the governor of state to constitute a finance commission after every five years to review the financial position of the panchayats. The commission shall make the following recommendations to the governor: -

(I) Principles of distribution between state and the panchayats of the net proceeds of taxes, duties, fees levied by the state.

(II) Grants and aids to the panchayats from the consolidated fund of the state.

(III) The measures needed to improve the financial position of the panchayats.

(IV) Any other matter referred to it by the governor in terms of sound finance of the local governments.

The composition of the commission, qualifications of its members and manner of elections are determined by state legislature.

SAQ:

Finance commission as the balancing wheel of fiscal federalism in India.

Illustrate the statement with suitable examples.

……

……

.....
.....
.....
.....

1.6 The 15th Finance Commission

The 15th Finance commission was constituted by the President of India in November 2017, under the chairmanship of N. K. Singh. Its recommendations will cover a period of five years from the year 2021-22 o 2025-26.

Key recommendations given by the 15th finance commission are as follows-

1 In terms of vertical devolution, it has recommended to maintain 41% of the divisible pool of resources as against 42% of the 14th finance commission recommendation. It has made this adjustment of about 1% due to the change in the status of erstwhile state of Jammu and Kashmir into the new Union territories of Ladakh and Jammu and Kashmir.

1. For horizontal devolution, it has recommended 12.5% weightage to demographic performance, 45% to income, 15% each to population and area, 10% to forest and ecology and 2.5% to tax and fiscal efforts.

2. It has recommended for providing revenue deficit grants to the states amounting to about Rs. 3 trillion over the five year period ending in financial year of 2026. Th revenue deficit is defined as the differences between revenue receipts and revenue expenditure that includes tax and non-tax revenues of a financial year. The revenue deficit grants emanate from the requirement to meet the fiscal needs of the states, even after considering their own tax and non-tax revenue resources and tax devolution to them by the centre.

3. It has recommended for performance based incentives and grants to the states. These grants revolve around four main areas-

I) Social sector which includes health and education.

II) Second is the rural economy where it has focused on agriculture band the maintenance of rural roads

III) Third sector is governance and administrative reforms

IV) Fourth sector focuses on performance based incentives to the power sector.

4. The 15th finance commission also focuses on the importance of Fiscal space for the centre to meet the resource requirements and spending obligations on the national development priorities.

5. It also has recommended for performance based grants for local bodies for development of new cities and health grants.

There are certain concerns regarding the 15th finance commission and its recommendations. These are mentioned below-

1. The population parameter used by the commission is criticized by the Southern states.

2. The previous finance commission used both the 1971 and 2011 populations to calculate the states shares, giving greater weight to 1971 population

3. The use of 2011 population figure by the 15th finance commission has resulted in states with larger populations like Uttar Pradesh and Bihar getting larger shares, while smaller states with lower fertility rates have lost out.

4. On the other hand the southern states of Tamil Nadu, Kerala, Karnataka and Undivided Andhra Pradesh are home to 20.75% of population with 13.89% share of taxes.

5. This means that the terms decided by the commission are loaded against the more progressive and prosperous southern states.

In spite of facing unprecedented challenge of making recommendations in Indian state, the finance commission is consistently trying to balance the requirements of all the stakeholders to achieve efficient, equitable, inclusive solutions to the fiscal problems of India.

Check your progress:

Q1. Discuss the composition and functions of finance commission of India?

Q2. Comment on the role of state finance commission in India?

Q3. Critically examine the recommendations Of 15th finance commission of India?

1.7 Summing up:

In this unit we have learnt that India follows a federal structure in the system of government. The powers between various levels of the government are divided according to the constitution of India. In terms of financial relationship between the Union and the states, a clear division is made which is provided in various articles of the constitution. We have understood that financial resources are shared between central and the state governments in accordance with the recommendation of the finance commission which is constituted in every five years by the President of India. At present the Indian government is following the recommendations of 15th finance commission. Hence finance commission is regarded as the balancing wheel of fiscal federalism in India. The Finance commission provides recommendation on both vertical and horizontal division of the pool of resources to bridge the revenue gaps in the Indian States. Besides this, to supplement resources of local self-governments the finance commission also recommends various measures to augment The Consolidated Funds of States. Thus helps in bringing fiscal balance in all the tires of the government and fosters cooperation in Indian union.

1.8 References and suggested readings:

1)Hyman, David N., Public Finance: A Contemporary Application of Theory To Policy, South-Western Santage Learning, Mason. Latest Edition.

2) Anderson, George, (2008) Fiscal Federalism: A Comparative Introduction, Forum of Federations, Ottawa (also by Oxford University Press).

3)Rao Govinda.M, Sen k Tapas ,Fiscal federalism in India: Theory and Practice,(1995),National institute of Public Finance and police, New Delhi

4)SinghN.K,Fiscal federalism in India, Local public finance ad capacity building in India:Issues and challenges, OECDiLiberary.

5)Laxmikanth.M ,Indian Polity fifth edition, Mc Graw Hill Education.

Unit: 5

Topic: Notion of Cooperative Federalism

Introduction

Federalism is a form of government where each set of government is entrusted with certain powers and functions by the constitution - their powers and functions are clearly and distinctively defined. Herein lies the fundamental distinction between a unitary government and federal government. In a unitary government all powers and functions are vested in the central government and the government of the units, if any, derive their powers from the centre. In other words all other units enjoy such powers as are delegated to them by the centre. They have no independent existence of their own. On the other hand in a federation each set of government is independent. Their powers and functions are specifically given to them to perform. Neither the central government can encroach upon the authority of the units nor the units can encroach upon the authority of the central government.

Therefore, the units in a federal form of government are not subordinate to the centre unlike unitary form. They exist not by the grace of the centre but by the rights granted to them by the constitution itself. The jurisdiction of each set of government infact, is being categorically defined . It is a system of national and local governments, combined under a common sovereignty with both national as well as federating units having autonomous spheres assigned to them by the constitution.

However, countries with federalism have showed several factors that led to the formation of federal government. Likewise each federation has been adjusted with specific nature of the respective country. Federation is an agreement between two types of governments- central

and federating units, sharing power and maintaining relarionship based on their respective spheres. Based on the relationship between the central and local government–the concept of federalism is divided into- Cooperative federalism and Competitive federalism.

Although United States of America is regarded to have perfect federal structure, the term "cooperative federalism" was originated in the USA in 1930's. The roots of cooperative federalism is established during the administration of *Thomas Jefferson* (the third president of the United States). The Great Depression forced the central and state governments to work together for economic recovery.The model then was expanded during *Franklin D. Roosevelt's* policy of *New Deal*. The influence of the national government over social welfare policies continued after World War II and into the 1960's when *Lyndon B. Johnson* declared his War on Poverty and, Johnson's efforts to expand this model of federalism is often referred to as "cooperative federalism."

During the late 1960's and 1970's the idea of cooperative federalism extended as the national government became involved in issues such as the environment, job safety, mental health, education, and the rights of the individuals. As the national government tried to generate new public policies to deal with these issues, it had become dependent on the state governments to implement a wide range of directives for this purpose and the situation needed to set up the concept of cooperation in the federal structure.

Definition

Cooperative Federalism is the branch of federalism which envisages that all the levels of governance, which are- central, state and local bodies, should cooperate with one another in order to achieve collective goals for the benefit of the society. All these bodies put their collaborative efforts towards a common goal and strive to achieve that for the growth of country. No level of government is supreme in this

Federalism; all share their place at a horizontal line. There is said to be Cooperative Federalism, when Central and State Governments have a healthy nexus between their functions. Neither the Central Government imposes some random provisions upon the States nor the States nor do Local Bodies work in a manner that is completely antithesis to the working of Central Government. Moreover, Cooperative Federalism asserts that governmental power is not concentrated at any governmental level or in any agency rather national and state or local governments have distinct and separate government functions.

Numerous examples across the world on federal nations show that the old-style federalism is no more relevant. It is replaced by intergovernmental relations, which establishes the fact that cooperation in political process can only provide adequate protection to the interests of the states rather than notion of separateness of responsibilities. Scholars also argue that relative power distribution is no longer a significant issue. The main features of Cooperative federalism, therefore, are- sharing of policy responsibilities and financial resources, interdependence of administration and overlapping of functions.

In a modern concept the elementary notion that "sharing" does not necessarily mean equality is no longer relevant. Numerous analyses show that for the greater good of the citizen it is an important tool to enable states' to participation in the formulation and implementation of various policies and national or central government should also take care of each state or local government and provide aid and support constantly. In some countries, union and the states are constitutionally obliged to cooperate with each other on the matters specified in respective constitutions. For example in the federal government when the central government grants tax revenue to the states in order to fund interstate highway and the states are allowed to govern the construction and maintenance process in accordance with goals set by the national government then it is said to be the sharing of financial resources.

The idea of cooperative federalism postulates that the relationship between the national government and the states is one in which governmental functions typically are undertaken jointly by central and state administrative agencies. Bureaucratic agencies at the national and state level normally carry out governmental programs jointly. Because the governments' responsibilities are split between many levels of government, citizens and organised interests have many access points to influence public policy. As it is correctly observed by distinguished jurist M.P. Jain, that a cooperative federation is where the governments are interdependent and not independent. It also known as marble-cake federalism, where both sets of government maintain a flexible relationship and work together on a variety of issues and programmes.

The notion Cooperative federalism establishes a model of intergovernmental relations that recognizes the overlapping functions of the national and state governments. This model can be contrasted with the model of dual federalism, which maintains that the national and state governments have distinct and separate government functions. For example in India many of the functions in the Concurrent List have traditionally been undertaken by the states and are in their area of responsibility. And in Concurrent list, there are functions which are best carried out by both the Union and State Governments in the spirit of cooperative federalism. For instance , specified minimum standards of certain public services, like transportation and communication facilities, should ideally be available to people, irrespective of where they reside. Thus, both the Union and State Governments have an overlapping responsibility to ensure such specified minimum standards. It is sometime reflected in the relationship between centre and state governments where they both come together and resolve the common problems with each other's' cooperation.

A.H. Birch has described cooperative federalism as a system in which: '... the practice of administrative cooperation between general and regional governments, the partial dependence of the regional governments upon payments from the general governments and the fact that the general governments, by the use of conditional grants, frequently promote developments in matters which are constitutionally assigned to the regions.'

Cooperative federalism in India:

India opted for a federal structure after independence. The term "federal" has not been mentioned in the constitution but the working of Indian democracy is essentially federal in structure. The constitution of India has also provided for a division of power between the Central and State governments. Under the 7th schedule there are three lists- the Union, State and Concurrent. However, the practical working style of federalism is quite different from that of theory. India has not adopted a full fledged version of Federalism; rather it has a stronger centre which is created by making the states subordinates to the centre. Moreover, the concept of 'Federalism' in India Constitution is apparently seen in the functioning of governments in the country with more unitary features. Prof. K. C. Wheare, thus rightly, labelled the Indian Constitution as "*Quasi-Federal*". Sir Ivor Jennings remarked on Indian federalism as a federation with a strong centralising policy. Prof. D.D. Basu is of the view that the Indian Constitution is neither purely federal nor purely unitary, but is a combination of both. According to him, it is a Union or a composition of a novel type. We can, thus, also call it a mixture of federal principles and unitary principles.Governance in India although run by the spirit of federal principles but constituted with the unitary formulas.

Some people see the stronger tendency of centre as criticising it as anti federalism. On the other hand some argue that a stronger centre is

necessary to bound states in it and to promote a better functioning of the government. *Granville Austin*, an American historian of Indian Constitution has called Indian federalism as"cooperative federalism". As in the Supreme Court in *State of Rajasthan v. Union of India case has also declared* the Indian model of federalism is 'cooperative federalism', it needs to be examined on the manifestation of its nature of functioning. However, after Independence India has witnessed many constrains in maintaining neither federalism nor unitary structure in its truest form. While the pillers of federalism - Dual Government, Division of Power, Written Constitution and Independent Judiciary, were established the founding fathers of the constitution restricted it from following true spirit of federalism. It was the need of the hour to curb the separatist tendencies among states, which were quite common at the time of the partition and, thus, the Constituent Assembly made the central government relatively strong.

Historical Roots of Cooperative Federalism in India

Since time immemorial the Indian subcontinent has been witnessed assimilation of various groups of people and maintaining their own cultural identity. That is why India had been always a land with diversified culture. Therefore, in the ancient period, kingdoms or empires that have ruled over the Indian subcontinent have practiced federal policies because it was not possible to bring all the diversified population and their vassal states under unified structure of policy. The policy of non-intervention in local affairs was realised by the monarchs and was felt practical necessity because of the natural diversities of the people of Indian subcontinent otherwise they could not have made all the territories a part of a single empire. However, this may be one of the important reasons of disintegration of kingdoms like of the Mauryas and the Mughals. As the monarchs like Jehangir and Aurangzeb did not pay sufficient attention to this need and tried

to impose codes of conduct to the diversified subjects that attributed in their fall and the empire as a whole.

Roots of cooperative federalism in formal sense can be traced right from the Regulating Act of 1773 that set up a system whereby the British Government supervised (regulated) the work of the East India Company but did not take power for itself. Then by the Government of India Act, 1919 had announced a dual form of government called 'dyarchy' provided for a federal structure of Indian polity, however by envisaging the spirit of cooperation.The same was aimed to be attained by the Government of India Act, 1935, with its pattern of distribution of legislative powers. Jawaharlal Nehru, while moving his Objectives Resolution on 13 December, 1946, typically could rely on establishing a government machinery at the centre in cooperation and consultation with the states. It is further added that since all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people it was necessary to adopt a federal government envisaging cooperation.

After independence when the leaders of India's Freedom Movement and the founding fathers of the Constitution had the task of drafting the Constitution, the members of this Constituent Assembly had two main goals in front of them.The first was to build a unified polity amongst highly fragmented society, which they attempted through keeping the notion of "Union" inspite of declaring federalism, and the second aim was to develop a highly undeveloped country by reducing poverty and illiteracy and building a modern nation state. However, a country with huge size of population, a large area of territory, a highly diverse society with 14 scheduled languages (at the time of independence) and some 2000 dialects and ethnic identity, several religious groups fragmented into a large number of sects, castes and sub-castes, could never imagine an united territory.

Therefore the founding father of the Constitution establishes a "Union of States," with 14 states, 6 union territories and one National Capital . A centralised polity was established in which the Union government was vested with sufficient powers to set a dominant union, also ensured its ability to rule in a unitary fashion if necessary and politically feasible. In fact, at the most crucial time of its independence when forces of communalism, separatism and linguism were flourishing rapidly the choice of a strong central bias in the constitution had been a boon to keep India together. Moreover, cultural and ethnic pluralism that demanded political flexibility, stand with the politics of cooperation and coordination.

Constitutional Framework For Cooperative Federalism In India:

Federalism in India is built upon the structure of power-sharing in a parliamentary democracy and it basically involve two features: devolution of authority and decentralisation of administration. The drafting of the Constitution was based on the concept of unity, rather than individuality, therefore, a strong governance at the Centre could not be denied. Although it was never theoretically mentioned to be a Cooperative federalism', but with its formal and informal rules for running of the political system as well as for peaceful co existance, has worked well in practice. Following are some constitutional provisions of Cooperative Federalism in India-

Article 1 of the Constitution: The very first article of the Constitution provides that "India shall be a Union of States", but it does provide for a structure of governance primarily federal in nature. It provides for separate governmental set-up for the Union and in the states. It also specifies and demarcates the powers, functions and jurisdictions of the two sets of governments. Not only that it gives the specification of legislative, administrative and financial relations between the Union

and the states. Thus, the inclusion of the word union in the constitution, inspite of having federal structure, provides for the integrity among the Union and the States. Rather the units of governments are made inseparable for one another. This was the first idea of cooperation among states and the centre.

Seventh Schedule: The provision in the Seventh Schedule of the Constitution ensures three lists, namely- the *Union list*, the *State list* and the *Concurrent list*. These lists contain matters of national importance which have been divided between Central and State Government to legislate upon. This is an ideal example of coordination among the different levels of government in India. Union List consists of those subjects on which Parliament has exclusive powers to legislate and the state has exclusive powers to legislate on the State List. But it is also mentioned that in certain situations Parliament can interfere to do so. Regarding the Concurrent List, though both Union and State governments are given equal share of power to legislate on it, but in case of a conflict between a State and the Union government, legislation of the parliament shall prevails. Again, the residuary powers of legislation are vested in the Union government. These principles of the Seventh Schedule give a contraction to the spirit of proper federalism rather integrate the system.

Inter State Council: Article 263 of the Constitution provides for the establishment of an Inter-State Council by the President, if he believes that such council is necessary to discuss and investigate subjects which have a larger public interest. If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of inquiring into and advising upon disputes which may have arisen between States; investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with

respect to that subject, it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by it and its organisation and procedure. This provision ensures that states are not in conflict that hinders the proper growth of the country. This way, this Article promotes cooperation and coordination among states.

All India Services: Article 312 of the constitution states that there will be certain services common to the Union and the States. These are called 'All India Services' of which the Indian administrative service and the Indian Police Service are two examples. Parliament may by law provide for creation of one or more all- India services that are common to the Union and the states and also can regulate the recruitment procedure. Dr. Ambedkar in his explanation in Constituent Assembly stated that the objective behind the provision for All India Services is to establish unity in the federal system and efficiency to the administration in both the Union and the states. All India Services, therefore, add another element in paving the path for cooperative federalism.

Mutual Delegation of Function: The Constitution distributes not only the legislative powers but also the executive powers between the Union and the States. But a rigid division of power is neither suitable nor desirable for a welfare country where the Union and the States may work together for the betterment of the society. An administration with strict demarcation of function may end up causing occasional deadlock. To avoid such situation the Constitution of India has incorporated such provisions that enable Union and the State governments to make a mutual delegation of their respective administrative functions. However, under two circumstances the mutual delegation is applicable- with the consent of the state government, the President may, without any legislative sanction , entrust any executive function to the state; and with the consent of the Government of India, the Governor of a state may entrust on the Union

government or it's officers, functions relating to a state subject, so far as that state is concerned.

Establishment of Zonal Council: By the State Reorganisation Act, 1956 Zonal Councils are established to ensure coordination and cooperation among states as well as Union and the States particularly in respect to economic and social development. These statutory bodies aimed to provide common meeting ground of States and to maintain common interest by cooperative action. The main objective of these councils , as Jawaharlal Nehru foresee it, is to develop the habit of cooperative working. In each of these councils presence of a Union minister, nominated by the Union government, Chief Ministers of the states concerned ensures co ordination and cooperation. There is also provision for holding joint meetings of two or more Zonal Councils. These councils discuss the common issues of states of a particular zone , such as, economic development, social planning, border disputes, inter-state transport, matters arising out of the reorganisation of states and the like.

NITI Aayog: Though it is a recent development in this context but NITI Aayog is not a new concept. In 2015, the Planning Commission, the centralised policy-making body, was replaced by the National Institute for Transforming India, i. e., the NITI Aayog. The main objective in constituting the Aayog was to give greater scope for states to work together and in promoting state as well as national objectives. The Aayog's Governing Council comprises Chief Ministers of states and Administrators or Lieutenant Governors of Union Territories which apparently aimed to enhance cooperative federalism, that not only can settle complex policy issues among states but also can involve in Union Government's policy making process.This very concept of representation makes it a dynamic institutional mechanism in providing smooth directional and strategic input to the development of the nation as a whole.

GST Council: By the 101st Constitutional Amendment Act,in 2016, the Union government has introduced a single centralised taxation system in India for which the GST Council was created and it got implemented in 2017. This council is made responsible to provide recommendations to the Union and the States on the taxes and surcharges levied by the Union, the States or the Local Bodies. However, the main agenda behind the whole concept of GST is to bring the entire nation under single taxation regime. The concept of GST has removed all central and state indirect taxes, eliminated inter-state tariff barriers and also allowed underdeveloped states with low taxation revenue also to obtain funds.This system of taxation also indicated that there is an increasing equal share concept in the Union government about the needs of the States, most importantly, it has enabled every state to obtain a portion of the central government's tax income.. Moreover, its members represent all the levels of the government and have share in decision making process. Therefore, this council ideally promotes cooperation among the Centre, States and Local Bodies.

Apart from the above mentioned factors there are many minor issues those could be cited as acts towards cooperative federalism. For example, programmes like the Rural Employment Scheme (MGNREGA), Aayushman Bharat, PM-Kisan, Ujjwala, Jal Jeevan etc. that are collaborated with the states to utilise resources. Special mention can be made here about the various policies tackling COVID-19 . Through a combination of various laws, regulations, guidelines, and orders both Union and the States Governments have been handling the various phases of this worldwide pandemic. Although public health is a subject under the States' jurisdiction as per the Indian Constitution, but in this national crisis the Centre and the state governments have shown the spirit of cooperative federalism effectively. A nation-wide lockdown; enforcement of the Disaster Management Act, 2005 and the Epidemic Diseases Act, 1897 to deal with this outbreak; states' corporations in donating to PM-CARES etc.

are some instances of cooperation between Union and States governments.

Provisions Obstructing Cooperative Federalism:

There have been numerous instances, that contradict the nature of cooperative federalism in India. There is widespread discontent over how inter-state relations are maintained in India. In one hand where the Centre exercises unreasonable control or interfered with the affairs of the states that results in growing concerns of over-centralisation. On the other hand citing the examples of inter-state competition in socio-economic sphere, some call it a competitive federalism. Let us point out some provisions that pose constrains in calling Indian federalism a cooperative federalism:

The supremacy of the Constitution in India is prevalent and its provisions are followed by all the states universally. Though states have been given due autonomy in their functions, their freedom is subject to superiority of Central Government. Thus, India has not been able to incorporate Cooperative Federalism in the real sense of the term. The superior position of the Central Government in every matter incorporates more unitary features in our Constitution. Some features that are so strong that those work as antithesis of Federal System. In this context there has been protests and demands that the federal structure needs far-reaching changes to make it truly federal. Amongst those the most criticised provisions that break away from concept of federalism in India are related to the imposition of the President's Rule in a state, and the President's power of appointment of State Governors.

The vesting of residuary power to the Union instead of the states under the constitution and the final decision of the Courts to determine

the nature of power to be fall under the residuary power negates the very principle of federalism. However, in distribution of powers in three lists are not normal distribution. Certain circumstances are mentioned under which the system of distribution of powers is either suspended or the power of the Union parliament are extended over State subjects. Some of these circumstances are-If the subject is of National interest (Art. 249) ; Proclamation of emergency (Art. 250); By agreement between states (Art. 252); In implementing treaties or international agreements and conventions (Art. 253) ; Under a proclamation of failure of constitutional machinery in the states (Art. 356). Apart from these, there are provisions in the Constitution conferring wider powers on the Union in case of administrative and financial matters as well.

Over many years after independence there has been several question regarding financial provisions that have buffed the federal structure in India. No system of federation is successful unless both Union and the States are allocated adequate financial resources to perform their respective duties and responsibilities. Therefore, the Constitution have made elaborate explanation of provisions derived from the Government of India Act, 1935, regarding distribution of power of taxation between the centre and the states. Article 268, Article 270, Article 273 and Article 275 elaborate broadly the Centre- State financial relation and it indicates the fact that the Central government enjoys greater power over states in this perspective too. The resources that are kept at the disposal of the States are quite meagre.

The states are to remain dependent on the central government for their financial allocations for development. The provision for Grant -in -Aid (Art.275) Finance Commission (Art. 280), Sales Tax legislation (Art.286), Provisions of tax on Property (Art.285 and Art. 289) etc. made the states subordinate as well as Centre -State federal relation unsusceptible. In the words of Pylee, “No other federal constitution makes such elaborate provision as the Constitution of India, with

respect to the relationship between the Union and the States in the financial field. In fact, by providing for the establishment of Finance Commission for the purpose of allocating and adjusting the receipts from certain sources, the Constitution has made an original contribution in this extremely complicated aspect of federal relationship.

The economic changes of 1990s, impact of globalization, reforms on land acquisition and labour flexibility for states etc have shown the inclination of Indian federal system towards competitive federalism. According to the 14th Finance Commission's recommendations the share of states in central tax revenue has been increased from 32% to 42%, enabling the states to design and implement programmes more suitable to their needs and thus there arouse greater competition for limited resources among the states. Another step towards competitive federalism is the abolition of Planning Commission and replaced with NITI Aayog. The mandates of the NITI Aayog have developed competition by stressing on allowing the states to develop in accordance with their goals and local conditions. This is also known as Bottom-Up Methodology. Moreover,some of the indices launched by NITI Aayog are School Education Quality Index, State Health Index, Composite Water Management Index, Sustainable Development Goals Index, India Innovation Index and Export Competitiveness Index etc. have no doubt encouraged healthy competition among states but also changed the institutional mechanism for working of federalism in the country.

Over the last 75 years the country's federal structure has been subjected to great stresses and strains. The pressures of political, social, economic and cultural forces , growth of mass and local politicisation has thrown up a challenge to the very concept of federalism in India. The competition for scarce resources has produced many disputes amongst States and between States and the Centre. The Constitutional machinery is finding it increasingly difficult to satisfactorily resolve

such disputes within a reasonable time frame. On other hand these disputes led to increasing militancy and insurgency in Kashmir and the north-east and elsewhere. As a result it has become difficult for the government at the Centre to maintain control except by use of armed forces. Again, the demands for protection of local languages and culture, the demands for the creation of more States, even by dividing those formed on the basis of common language and culture, are creating problems that defy easy solution. The very concept political theory of federalism is thus in jeopardy in recent times.

Conclusion:

The constitutional framework in India has neither mentioned the term cooperative federalism nor been realised by the central and state governments, it is not a myth either. In recent years, government of India has taken up various measures to develop a unified framework of cooperative federalism. But the lack of balance of power between the centre and the states, lack of cooperation among states themselves, representation of states in law-making and policy-making, regional and political aspirations of the states, socio-economic parameters of different states etc. have put hinderances in realisation of a cooperating federation in India. However, in a highly diversified country like India to preserve the notion of nationhood both Centre and State governments need to be committed to attain constructive cooperative federalism.

In this context the Sarkaria Commission on centre-state relations gave several recommendations to cultivate cooperative federalism and suggested various steps for its actualisation. With supporting the idea of cooperative federalism the commission put forth an observation that federalism is more a functional arrangement for cooperative action, than a static institutional concept. Therefore, state governments should be equipped with sufficient financial resources to reduce their dependency on the central government. The commission advocates a

consultative process between the centre and states whenever there is a necessity, such as in matters related to state bills, to deploy the armed forces in the states, to the appointment of the governor with the formation of panels etc. It has also suggested to set up a permanent Inter-State council must be set up to resolve any issue of dispute among the states and recommended that the residuary powers to formulate laws in matters related to taxation must remain with the Parliament. Other than the matters of taxation, the residuary field must be categorised under the concurrent list.

In the light of this, it can be observed that Cooperative federalism is the need of the hour to strengthen Indian federalism from within. The evolution of a new institutional arrangement should be considered to be established in consistent with objective of strengthening centre-state relation. While all policymakers and economists feel that "true" cooperative federalism is the way to go, they all agree that Centre must be more dedicated to distribute decision making power to the states.

References:

D.D. Basu, *Introduction to the Constitution of India* (Eighteenth Edition), PHI Pvt.Ltd., New Delhi, 1998.

George Anderson, *Federalism: An Introduction*, Oxford, U. K., 2008.

Gerald Brown, *Cooperative Federalism: How the States of the Union Are Separate, Distinct, and Foreign to the United States*, Distress Publishing Trust, 2007.

H.R. Khanna, *Making India's Constitution, Eastern Book Company*, Lucknow, 2008.

John Charles Bannon, *Cooperative Federalism: Good Policy and*

Good Government, Federalism Research Centre, Australia, 1992.

Mohit Bhattacharya, *The mind of the founding fathers*, in Federalism In India: Origins And Development, N. Mukarji, B. Arora ed., Vikas Publishing House, U.P, 1992.

M.P Singh, *Federalism in India*, SAGE Publishing, New Delhi, 2021.

M. V Pylee, *Constitutional Government in India*, S. Chand Publisher, New Delhi, 2004.

Ramachandra Guha, *India after Gandhi – The History of World's Largest Democracy*, Picador, London, 2007.

Saez Lawrence*, Federalism Without a Centre*, Sage Publications, New Delhi, 2002.

Sidharth Kapoor, *Cooperative Federalism in India: A Road Less Travelled*, ORF, London, 2019.

UNIT 1

NATURE OF THE INDIAN STATE: CONTENDING PERSPECTIVES.

1.1 Introduction
1.2 Objectives
1.3. Understanding State: Many definitions
1.3 State in India: Idea or System
1.5Approaches to the Study of Indian State
    1.5.1: Liberal Approach
    1.5.2: Marxist Approach
    1.5.3: Gandhian Approach
1.6 Conclusion
1.7 Summing up
1.8 References and Suggested Readings

1.1: Introduction:

In Politics, 'State' is the most frequently used term. Political Science as a subject initially was related to the study of the 'State' and its myriad facets, characteristics and its relationship with various personal associations like family, tribe and many other private groups. Garner very well puts out "political science begins and ends with the state". Many other political thinkers and philosophers have like Gettle, Gilchrist etc. have also tried to describe state in a similar manner. Etymologically, a state is a systematized and structured mechanism for political decision making and implementation of those decisions as well as for enforcing government rules and regulations.

1.2: Objectives

This unit is an attempt to understand the nature of Indian state through various perspective. After going through this unit, you will be able to-

- explain the nature of Indian state
- discuss the various perspective to understand Indian State.

1.3. Understanding State: Many definitions

Garner espouses that "the state, as a concept of political science and public law is a community of persons more or less numerous, permanently occupying a definite portion of territory control and possessing an organized government to which the great body, of inhabitants render habitual obedience". According to this definition, population, fixed territory, government and sovereignty are the essential elements of the state. Differing from associations and groups, society or government or nation, the State is Different from society, government, association and the nations, the state is deemed to be a distinctive institution. The State plays an important role in the overall development of the world, more so in the third world. The role that it plays, the magnitude of its success or failure cannot be fully understood without understanding the trails of State formation. For this reason, it is important to ponder upon historically to apprehend the way the State has become the way it is today. It is equally important to observe the State beyond the formal structures, delve more into their social and political arrangements and patterns.

The modern State commonly is described in two broad forms- 'liberal democratic' and 'totalitarian'. Democracy is deemed as the foundation for the 'Liberal democratic' state, which categorically signifies that it is in the hands of the citizens or the people who have the utmost power; this power being utilised though representatives. In exact opposition is the 'totalitarian' state where the power resides on the hands of small group of power hungry people or at times military oligarchs. The striking fact about Totalitarian state is that its strives to legitimize the rule through force and fraud. Another description that has emerged in recent times about State is that of 'welfare state'. This has emerged as an anti-thesis to the concept of totalitarian state.

Many Scholars have described India as welfare state with distinct socio-economic and political programme for the welfare of the country and its citizens. Various attempts have been made to understand the politics of India. With India's independence, India evolved into a State based on secular principles and with a written constitution.

STOP TO CONSIDER

Do you know there is a very important difference between State and state in political science?

1.4. State in India: Idea or System.

As a system, the Indian State with its newly written constitution has promised its citizens a sovereign, democratic, secular and socialist republic. The myriad facets of the State; administrative, political and legal institutions to implement the vision of in practice were allocated and described in the written constitution. It is in the Directive Principles of the State Policy that the Idea of the State in India is persuasively reflected. Over a period of time, it was expected that "state would give way to its working conditions to the universal principles of statecraft and able to persuade, mobilise or coerce the society to adjust to the state's ideology" (Nandy: 2000: 67). State as an institution is also seen as the source of remedies for all problems. Khilnani has righly described that the state "etched itself into the imagination of India in a way that no previous political agency had ever done" (Khilnani: 1998: 41).

Attempts were made to analyse the character of the State from the vantage point of State as an Idea. According to Chaterjee (1993), Indian nationalism created the division between spiritual and material domain. The spiritual domain was believed and upheld as autonomous, one which cannot be affected by any foreign thought. The nation considered itself culturally superior to the colonizers. However, the west was taken as superior in the material domain (the domain of economy and of the state craft, of science and technology) and hence the experience of the western nations was to be replicated. The Constitution of India itself provides the best example of the acceptance of the western thought and practice (enlightened thought) which is most eloquently articulated in it. The key institutions of modern state - liberal democracy, universal adult franchise, an independent judiciary, citizenship, secularism, institutions of governance – were all put in place in the formative year (Austin: 2000). Given the framework for the new republic, the institution of planning was expected to carve out a modern nation state. In other words, the all-powerful, all-knowing state, taking the help of a body of experts, was to set the development agenda and its governance arm was to execute the agenda (Chatterjee: 2000). Other authors introduce a critique of the 'original' state-idea. Madan (1987) and Nandy (1990) see the roots of crisis in the state due to alien western institutions imposed by the westernised elite on the ordinary masses. Western democracy for the masses was alien and religion was 'the' principle for governing the social conduct. The people are not ready to accept that beliefs cherished by them hold no or minimal value in the

public domain. According to them, this is the source of crisis in the Indian state often reflected on the question of secularism.

These informed debates about the character of the Indian state help us build on these insights for a possibly new thinking on the state. Though there is no rational view on the formation of the state but mainly two approaches interpret the nature of the Indian states. These are liberal and Marxist.

CHECK YOUR PROGRESS

1. **WHAT DO YOU UNDERSTAND BY STATE AND WHAT ARE THE IMPORTANT ELEMENTS OF A STATE?**
2. **IS THE INDIAN STATE AN IDEA OR IS IT A SYSTEM?**

1.5. Approaches to Study the nature of Indian State

1.5.1: Liberal Approach

The liberal approach stressed on institution and processes as the key to understanding the state and political power. It recognises the need for development and social change. To study the nature of any particular state, it is necessary to analyse the relation between state, power, and social classes and the purpose of the state. The liberal democratic form stands on the foundation of democracy. It sees the state as a democratic state where rule of the people is implemented with freedom of speech and expression, free and periodic elections, a responsible and accountable government, independent judiciary, rule of law etc. Through rule of law it prevents chaos and anarchy in the society which restricts absolute freedom but creates freedom within the law for all citizens. This approach emphasised the primacy and independence of political processes. This is evident from the writings of Rajni Kothari, S. Rudolph and F. Frankel. Liberal scholars have stressed the need of acceptance of the centrality of state as an autonomous actors or relative autonomy, where state has to play a highly interventionist developmental role. Further rule of one party in India i.e. Congress party's dominance for nearly four decades had helped to strengthen the political base for the emergence of a strong state. It emerged as Independent from colonial rule under Indian national Congress which

transformed itself into a ruling party and acquired the characteristic of an accommodating party. Political scientists like Rajni Kothari, Norman Palmer and Morris Jones have subscribed to the Liberal modernist perspective. Rajni Kothari commented on Indian model as a society of 'dominant political centre' which is characterised by plural identities. He considered the existence of pluralist tolerance and a genius for integration as the important factors for the successful establishment of Democracy in India. Morris Jones focus was on the working of political institutions and processes to understand the nature of state in India. He gave the importance to Democratic institutions in bringing the transformation at different levels. He stressed on the "capability of political institutions in bringing about economic and social change". It was assumed that "with a liberal democratic constitutional system and universal suffrage, the Indian political system would gradually develop its own processes of democratic decision- making, rational administration, and modern citizenship". This combination of "democratic ideology, economic development, distributive justice provided a unique opportunity of transforming a traditionally apolitical society in which the state became the central instrument and politics the principal agent of transformation. This shows the optimistic picture of political institutions and democratic processes.

The liberal critique of the Indian state can be read in the writings of Rajni Kothari, Atul Kohli, The Rudolphs, Gunnar Myrdal. Gunnar Myrdal criticized the inability of the state to enforce public policies to eradicate poverty or to enforce laws and dubbed the institutional model of the Indian state as "soft state". According to Myrdal, the Indian state was soft as it had no power to rectify institutions that stood in the way of reform and development. As a result, it could not tackle the institution of caste directly, take measures of effective land reform, eradicate corruption or enforce ideas of development effectively through the people. One consequence of this softness has been the growth of left-wing extremism, which Manmohan Singh called the "gravest internal threat" to the country's security. Myrdal's "hard state" would have been able to tackle Naxalism which has gravely affected the nation. The liberal approach focuses on institutions and processes to understand state and political power in India. The state is considered the central instrument of social progress and principal agent of transformation. According to the Rudolphs, there are two groups characterised in the Indian state, one being the "owners of production" and the other being the 'labourer' group. They analysed the state as a mediator between these two conflicting groups, and in doing so, must remain autonomous in order to maintain structural unity of the state. The role of the state would hence be the "third actor". The Rudolphs believe in the Indian

state as a weak –strong state. It is strong because of large basic industries, ideology of secularism Democracy, Socialism and mixed economy that has minimized conflicts. It is weak because of caste class conflicts, religious fundamentalism and communalism, rising levels of political mobilization etc.

1.5.2: Marxist Approach

Then there is Marxist approach where political economy is the vital factor. State is the most important vehicle of economic development. It ascribes a partisan role to the state in the ongoing class struggle between the ruling class and the ruled. Marxist would have described the Indian state responsible for constituting a social order which maintains hegemony of capital over labour and seeks to reproduce this relationship. This was the main intellectual counterpoint of western political thought, beginning with Plato and Aristotle. This considered the state essential to the maintenance of order and civilisation. Marxist argued that the state emerged historically along with the division of society into a ruling class that enjoyed leisure and privilege, while the mass of people were limited to make a living and were exploited as slaves and proletarians in the overall evolution of society from the ancient period to the modern one. Later Marx was convinced that the state could be abolished when the proletariat had won the class struggle, something that he believed was inevitable.

Communist party of India describes India as a national bourgeoisie state which has the possibility of moving peacefully towards socialism by following a non-capitalist path of development. The Indian capitalist class is today, after more than seven decades of post-independence, a class which has expanded and undergone some important changes. At the time of independence itself, there was a big bourgeoisie, which dominated this class as a whole. But the outlook of this big bourgeoisie has undergone a significant change. It was the big bourgeoisie which spelt out the type of capitalist development that was undertaken in India from the 1950s: (a) a class which understood the international situation and its own base in Indian society. It needed the Indian State to accumulate capital and develop capitalism. The State capitalism, which the Indian ruling classes sponsored, played a two-fold role. It enabled the development of capitalism within a constrained framework. A model of capitalist development without a thoroughgoing agrarian revolution, which necessitated a compromise with landlordism and the development of agrarian capitalism from above relying on

landlords and the rich peasants. (b) The subordinate position of the Indian bourgeoisie vis a vis world capitalism required the organic link with foreign finance capital and reliance on this imperialist capital to advance the path of capitalist development. (c) Such a capitalist development could have a relative degree of autonomy in a situation where there was the existence of the Soviet Union and a socialist bloc; the bourgeois-landlord classes in India could utilise the conflicts between the two blocs and manoeuvre to strengthen its own position to a limited extent. Academic Marxist like A.R. Desai called India a capitalist state. A "bourgeoisie constitution" as he named the Indian constitution, argued that initially inclusion of right to property in the constitution was to give the right to income through ownership which resulted in social inequalities. Further Indian Planning based on mixed economy accepted a class structure based on private ownership as the basis for economic development. He said the tilt of mixed economy is towards private sector. On the same lines, C.P. Bhambari has highlighted the conflict within the ruling classes and a relative weakening of the state.

Hamza Alvi has argued that India as a post-colonial state had relative economy in mediating the competing interests of the ruling classes. There exist some specific conditions which helped the state to play an autonomous role in post-colonial states. He contends that there is no class based politics in India and there are multi- class parties like Congress, the weakness of indigenous propertied class allows the Indian state a great measure of relative autonomy. On the same lines another scholar Partha Chatterjee says that there has been a coalition of dominant classes since independence. The power was shared with landed elites to exercise control over the state. A Marxist understanding of the Indian state shows the class character of the state, serving the dominant classes and using coercive means to safeguard their socio-economic structure, if need be.

1.5.3.Gandhian Approach

Gandhian approach to study the nature of state is based on the concept of Swaraj. It means absence of alien rule and establishment of self- Government. He considered state a necessary evil and supported Thoreau's dictum that "that Government is the best which governs the least". It says that Government is best when interference with people's liberties and rights is minimum. In Gandhi's assessment, the state (Western type) was the symbol of violence in concentrated form. In

order to ensure allegiance from the citizens the state (which means its authority) applies coercion or violent measures mercilessly. Once he said, "the individual has a soul but the state is a soulless machine, the state can never be weaned away from violence to which it owes its existence". In other words, Gandhi treated both state and violence or coercion synonymous. He further says that there is a state but not violence or coercion in any form cannot be imagined. He gathered experience in South Africa that more and more power to the state meant more and more violence or greater amount of coercion. In the name of the maintenance of law and order the South Africa's white government acquired enormous power and this led to the ruthless administration, exploitation and curtailment of individuals' liberty. He once said that a political organisation based on violence would never receive his approval. Rather, he is always afraid of such an organisation. What he felt about the Western state system is quite explicit in a comment which he made, "I look upon an increase in the power of the state with greatest fear, because although while apparently doing good by minimising exploitation, it does the greatest harm to mankind by destroying individuality which is at the root of progress".

From the above analysis it is absolutely clear that Gandhi rejected the state of Western model on the ground that it represented violence or coercion. Now the question is why did he oppose violence so much? The modern state, according to Gandhi, was about to destroy individuality—that individual freedom and spontaneous urge to work. Secondly, the individualism is the root cause of progress. Gandhi believed that nothing could be done by applying coercion. Again, the individual cannot be forced to do any work against his will or spontaneous desire. To put it in other words, according to Gandhi the progress of the society can be achieved through the functions which the individuals perform willingly. Under any circumstances the individual's freedom cannot be sacrificed.

Gandhi's Swaraj means Government by the consent and participation of the people. For him direct democracy is impossible in a large country like India. After independence the constitution makers of India adopted some features of Gandhian state. Some of these are stress on egalitarian Society, untouchability and special care towards the weaker sections of society. In fact, he wanted to establish decentralization of power through Panchayat Raj System all over India. Further he justified the existence of state in terms of the functions it performs, so long as and to the extent it performs the functions which lead to the good, welfare and upliftment of all human beings.

Gandhi said that the state is an evil but a necessary institution. The function of the state should be limited. The states interfere in peoples matters while they perform it. The state, according to Gandhi should only perform coordinate functions. He said a government is best which governs the least. The state must protect the life and liberty of the people". He says that Western democracy is not the real one as it is based on majority rule and meets the opposition party by force. According to him, true democracy is free from violence It is one where opposition meets by arguments and instead of majority decision, consensus decisions are taken.

In true democracy, only those people have a right to contest elections that have full faith in non-violence, truth and love. Gandhi wanted to establish a stateless society but he realized that it was not practical. He conceived that the state is a means not an end. He strongly opposed the absolute power and unlimited sovereignty of the state. He was in favour of limited sovereignty to the state. He stated that the primary aim of the state is to realize the maximum welfare of the maximum number of people. He advocated putting checks on the arbitrary, absolute and unrestrained use of sovereign power of the state. Gandhi opposed the parliamentary form of government based on majority rule and representation system. He further argued that "parliament does not exercise its powers in reality and was not more than a toy for passing time by the legislators. The rule of the majority in a parliamentary system is not just and right, it is unacceptable. The opposition parties meet by brute force of majority rather than arguments, convictions and consensus".

Gandhi denounced the representative institutions and the representation system. He opposed giving the right to vote to all adult citizens. He favours the right to vote to the citizen who has put physical labour and has served the society. He argued that "the holistic system of the Gandhian political economy is based on four basic axioms or pillars, such as truth, non-violence, non - attachment to worldly wealth and welfare of all". These four axioms provide the basis for some fundamental principles in consonance with those of heterodox political economy.

He assumed simple living at the level of production as well as consumption He preferred simple technology rather than the heavy industries and argued that simple technology provided mass employment ,whereas advanced technology created vast unemployment. Gandhi preferred production by the masses over mass production' by heavy machinery. Gandhi argues that the landlords and

the capitalists should not consider themselves as the sole proprietors of their possessions. They are the trustees for the service of humanity He proposed private property but for the benefit of society. The property of every individual should be used for the service of society and not for personal use alone. Gandhi's debate on egalitarian society made him a staunch votary of classless society. He conceived that the division of labour was inevitable among the individuals of society. Nevertheless, class division in the society is not unswervingly allied to the division of labour. Gandhi wanted to establish an ideal state through non-state polity, individual cooperation and non-violent methods. For that purpose he preferred an enlightened anarchy under which socially responsible and morally disciplined men and women would not harm one another and would not need any polity.

Gandhi knew it was not achievable, therefore, he plumped for ordered anarchy in which citizens enjoy maximum freedom consistent with minimum necessary or order. Gandhi prescribed three elements of ordered anarchy such as the non-violent state through village republics, Swaraj and Ram-Rajya. The non-violent state is constituted of small self-governing and relatively self-sufficient village communities based on moral and social pressure. These communities will have their own political structures as per the composition of panchayat . On the other hand swaraj means self-rule or true democracy. The debate of Gandhi on Democracy is similar to his idea of true democracy. Gandhi strongly claimed that political, economic, and moral swaraj is possible when Ram-Rajya would prevail in society. Ram-Rajya stands for the victory of the forces of good over the forces of evil. Being an individualist, Gandhi was largely concerned about the life, liberty and security of the individual with love, - affection and goodwill. Thereby, Gandhi urges Ram-Rajya as a type of state that upholds the creative and fraternity qualities among the individual. It is a state which is based on the denial of power and renunciation of the use of force. It is guided by the sense of equality, morality, humanity, truth, peace and cooperation.

CHECK YOUR PROGRESS 2

1. **WHAT ARE THE VARIOUS APPROACH TO UNDERSTAND THE NATURE OF INDIAN STATE?**
2. **WHAT ARE THE VARIOUS FORMS IN WHICH MODERN STATE IS DESCRIBED?**

1.6. Conclusion..

1.7.Summing Up

1.8.Suggested readings and references.

- Austin, Granville, 2000, Working a Democratic Constitution: The Indian Experience, New Delhi, Oxford University Press.
- Bertrand, Badie, 2000, The Imported State: The Westernisation of the Political Order, (Translated by Claudia Royal), Stanford University Press, and Stanford.
- Chatterjee, Partha, 1986, Nationalist Thought and the Colonial World, A Derivative Discourse? London, Zed Books,
- Chatterjee, Partha, 1993, The Nation and its Fragments: Colonial and Post Colonial Histories, Princeton, Princeton University Press.
- Chatterjee, Partha, 1997, "Development Planning and the Indian State" in Partha Chatterjee (Ed.), State and Politics in India, OUP, Delhi.
- Chatterjee, Partha, 2000, 'Development Planning and the Indian State' in Zoya Hasan (ed) Politics and the State in India, New Delhi, Sage.
- Dirks, Nicholas, 1997, "The Study of State and Society in India", in Sudipta Kaviraj (Ed.), Politics in India, OUP, Delhi.
- Frankel, R. Francine, 1997, "Decline of a Social Order" in Sudipta Kaviraj (Ed.), ibid.
- Hay, Colin, Michael Lister, and David Marsh, eds. *The State: Theories and Issues*. Political Analysis. New York: Palgrave Macmillan, 2006.
- Khilnani, S; 1998, The Idea of India, Harmondsworth, Penguin Books
- Kohli Atul, 1990, Democracy and Discontent: India's Growing Crisis of Governability, Cambridge, Cambridge University Press.
- Marinetto, Michael. *Social Theory, the State and Modern Society: The State in Contemporary Social Thought*. Theorizing Society. Maidenhead, UK: McGraw-Hill International, 2007.
- Madan, T.N, 1997, 'Secularism in its Place' in Kaviraj Sudipta (ed) Politics in India, New Delhi, Oxford University Press

- Nandy, Ashish, 1997, 'A Critique of Modern Secularism' in Kaviraj Sudipta (ed) Politics in India, New Delhi, Oxford University Press
- Nandy, Ashish, 2000, 'The Political Culture of the Indian State' in Zoya Hasan (ed) Politics and State in India, New Delhi, Sage, pp64-87
- Rudolph, L.I and S.H. Rudolph, 1987, In Pursuit of Laxmi: The Political Economy of Indian State, Chicago, Chicago University Press
- Harriss-White, Barbara,(2003) India Working: Essays on Society and Economy, Cambridge, Cambridge University Press

1.9. Model Questions.

- What do you understand by State?
- What are the different perspectives to understand the Nature of Indian state?
- How would you describe the nature of Indian State

1.10. Answer to check your progress.

- State is described by Garner as "the state, as a concept of political science and public law is a community of persons more or less numerous, permanently occupying a definite portion of territory control and possessing an organized government to which the great body, of inhabitants render habitual obedience". The elements of a State are: Population, Territory, Government and Sovereignty.
- Indian State is both an idea and an system.
- Various approaches to understand the nature of Indian state are Liberal approach, Marxist approach and Gandhian approach.
- The various forms in which modern state is described are: liberal democratic state, totalitarian state, welfare state.

Activity

- Try to go through as many recent newspapers / magazines / journals as you can on the changing role of Indian State. Enlist a few distinguishing features of State in India.

UNIT 2

The Developmentalist State: Change and Continuity

1.1 Introduction
1.2 Objectives
1.3 Developmentalist State: Understanding the Meaning
1.4 The Nehruvian State: the initiation of a Planned Economy
1.5 The Approach to a Liberal State
1.6 Liberalisation of Indian Economy
1.7 Post Liberalisation Era
1.8 The Current Scenario
1.9 Summing up
1.10 References and Suggested Readings

1.1 Introduction:

The saga of democracy in India is long despite being so diverse. However, the Indian state right after Independence was bolstered with many problems all together. The post independence euphoria was marred by partition related violence across borders. Apart from this, the problem of refugee settlement, organization and re-organisation of the states, political conflict over language had plagued the country just after independence. Another major issue staring at the policy makers was regarding restructuring of Indian economy, which as alleged by some scholars, was left in shambles by the colonial rule. The task at the hands of the policy makers was to revive the two major sectors of Indian economy – agriculture and industry. Economy of India at that point of time had experienced low levels of productivity and mass poverty and lack of awareness made the situation worse. Both politics and economy had to break the shackles of feudal power structure which was more or less felt during the British period too. This made the policy makers to relook on the Indian economy or to be precise Indian political economy.

The policy makers were however, divided on two issues as far as political economy in India was concerned, and they were –

1. Which sector should be given precedence - agriculture or industry?

2. Who will take the driver's seat to steer the economy – public sector (state) or private sector?

Based on these two queries, the future course of the economy progressed and depending on the larger political framework the Indian state had transformed its position from time to time. This unit thereby tries to highlight how Indian state had witnessed a sea-change transformation in the political economy arena since its very inception. The chapter has tried to focus on how the very connotation of development of Indian state has changed over time and the policies introduced by various governments are largely reflective of the same.

1.2 Objectives:

This unit is an attempt to analyse the nature of developmentalist state in India to decipher its change and continuity. After going through this unit you will be able to

- explain the meaning of developmentalist state
- discuss the various phases of changing nature of Indian state as far as development is concerned
- explain the reform in the economic sector in 1991
- discuss the post reform phase of the Indian state and its role in the present scenario.

1.3 Developmentalist State: Understanding the Meaning

The notion of developmentalist state is often placed in opposition to the idea of liberal state. However, both can co-exist with each other. These are the kind of states which prioritises economic development and does it through both state regulation and giving extensive powers to their respective bureaucratic structures. The idea was floated by the Brazilian political scientists and economists in the 1950s. They saw it as an economic strategy that facilitated the process of rapid industrialization in Brazil. In this context, it is pertinent to mention the name of Helio Jaguaribe here who stated that "the core thesis of developmentalism is that the promotion of economic development and

the consolidation of nationality stand as two correlated aspects of a single emancipatory process"[1].

The connotation of the 'Developmental State', however, was first developed by Chalmers Johnson[2]. He used it to describe the model of economic planning a particular country took resort to. This model is mostly true for the East Asian countries. It was initially used to describe post-1945 Japan and its rapid modernisation and growth. A simple definition of it is provided by the United Nations Economic and Social Commission for Western Asia. They defined it as - "A Developmental State is a state where the government is intimately involved in the macro and micro economic planning in order to grow the economy", with the addition "whilst attempting to deploy its resources in developing better lives for the people"[3]. Countries like South Korea, Taiwan, Singapore and Hong Kong have also followed such a type of economy. Johnson further added that Japan resorted to this form of economy as a means of nationalism to thwart colonial powers majorly the United States. He wrote, "economic development in this country was a means for overcoming depression, war preparations, war fighting, post-war reconstruction, and independence from U.S. aid'[4]. However he added, "Japanis was a case of 'an economy mobilized for war but never demobilized during peacetime"[5]. Thus the very idea of the developmental state is characterized by state's control of the finances which also in due course of time got extended to labour relations, autonomy of the economic bureaucracy, the combination of incentives and command structures, and the existence of the zaibatsu (or the Korean chaebol, or Chinese business groups)[6]. In these countries, the bureaucracy (or the 'state bureaucracy) also has a pivotal role to play. Johnson defines it as 'a powerful social group with predictable and coherent interests'[7]. The selection procedure of the bureaucrats is different as they mostly are law graduates and are appointed on the basis of a centralized scheme of examinations. Johnson elaborates on the functions of the bureaucrats as the state assign them extra legal powers of

---

[1] Luiz Carlos Bresser-Pereira. "Models of the developmental state." CEPAL Review, August 2019 (pp. 35-47)

[2] Meredith Woo Cumings. *Chapter One Introduction: Chalmers Johnson and the Politics of Nationalism and Development* (pp. 1-31); The Developmental State Edited by Meredith Woo-Cumings Series: Cornell Studies in Political EconomyCopyright Date: 1999 Published by: Cornell University Press by Meredith Woo-Cumings

[3] https://archive.unescwa.org/developmental-state-model

[4] P. 20 (Cumings, 1999)

[5] Ibid (p.22)

[6] Ibid (p.25)

[7] Ibid (p.28)

'administrative guidance', which almost goes unrestrained (thereby, judiciary and legislature are relegated to the background). The bureaucracy is entrusted with the duties of drafting laws, ordinances, orders, regulations etc[8].

Apart from Chalmer Johnson, Peter Evans also has his view on the idea of the Developmental State. In his book *Embedded Autonomy* he threw light on the developmental state in Northeast Asia. While describing his views on the developmental state, he took recourse to Weberian model of bureaucratic insulation and focused on the social context of the said geographical area. According to him, the autonomy of the state depends upon the social ties with different social groups that the state develops over a period of time[9]. He also espoused the view that the developmental state will only be successful if it is based on the notion of meritocratic bureaucracy with a hunch towards corporate entity and essentially private elites[10].

In India also, the developmental model was adopted by the policy makers who unanimously accepted that only through industrialization economic growth in the country is possible and that the state must take control of this very process. The next unit delves into how the idea of developmental state in India flourished during the initial years of independence.

Stop to Consider

Developmental models refer to those where preponderance is given to the economic sector and state is given the primary role of regulating the economy. Many analysts namely Chalmer Johnsons and Peter Evans had set forth their views on this form of model.

Many Countries of the world has adopted this developmental model of economic development. As mentioned the above unit, most of the South Asian countries like Japan, South Korea, Hongkong, Singapore had adhered to it. In this context, it would be very interesting to chart out a comparative analysis of this development model in these different countries.

[8] Ibid (p.28)

[9] Peter B. Evans. *Embedded Autonomy: States and Industrial Transformation*. Princeton University Press, 1995 (p.59)

[10] Peter B. Evans. "Predatory, Developmental, and Other Apparatuses: A Comparative Political Economy Perspective on the Third World State." *Sociological Forum* Vol. 4, No. 4, Special Issue: Comparative National Development: Theory and Facts for the 1990s (Dec., 1989), pp. 561-587

1.4 The Nehruvian State - the initiation of a Planned Economy:

The most obvious prevailing feature of India during its independence was its retarded economic development. As Dadabhai Naoroji puts it, the Indian economy during the colonial period had experienced massive 'drain of wealth' (in the form of salary, taxes and gifts) that further impoverished the country[11]. The GDP of India was at a slow growth rate of less than 0.9% just before independence and it rose to 4% per annum after independence[12]. Taking into account this grim scenario on the economic front, the policy makers headed by the then Prime Minister Pt. Jawaharlal Nehru decided that the state would control the economy. This was done for a political purpose too as a newly independent country like India didn't want to lease out such an important sector to the private sectors, which would have compromised their newly experienced national sovereignty. Also state wanted to take the driver's seat to improvise the condition of people with extreme poverty and deprivation which wouldn't have been possible for the profit driven private players. Again, the policy making after independence was influenced by the Nehruvian ideology. Nehru was a strong supporter of the model of democratic centralization (like the model followed in USSR) and advocated that only through a system of planning economic development is possible. In this context, one also needs to mention about Bombay Plan and the Industrial Policy Resolution of 1948 which proposed state-led economic development for India. Bombay plan which was brought into fore in 1944 by some prominent industrialists of that time paved the way for intervention of the state in the economic development of the nation. They stated that industries had chances of better productivity and can generate more employment as compared to agriculture[13]. In tune with the Bombay Plan, the Industrial Policy Resolution of 1948 proposed active role of the state in the process of industrialization. The Industrial Policy Resolution of 1948 also put focus on a 'planned' way of the economy in India. Planning, it suggested would consist of certain targets that the country aimed to achieve within a given period of time. This is done through allocating investments in different sectors. Accordingly, a Planning Commission was formed in 1950 as a

[11] Dadabhai Naoroji. *Poverty and Un-British Rule in India.* Swan Sonnenschein & Co., 1901

[12] Kalim Siddiqui. "The Political Economy of India's Postplanning Economic Reform: A Critical Review." World Review of Political Economy , Vol. 9, No. 2 (Summer 2018), pp. 235-264 (https://www.jstor.org/stable/10.13169/worlrevipoliecon.9.2.0235)

[13] Ignou Notes. "Political Economy of India Development." Unit 25 (https://egyankosh.ac.in/handle/123456789/37993)

non-statutory advisory body with Prime Minister as the Chairman. The first plan which prioritized the agriculture sector was put into place from 1950-55. The second plan was more properly structured one as compared to the first. Well known as the fallout of the Nehru-Mahalonobis strategy, the second plan divided the economy into two sector – capital goods sector and consumer goods sector. Thus, the industrial policy of the Indian state in the post independence period was based on import-substitution industrialization. The model of economic development is popularly known as *dirigisme* model. As a result of this model, the economy of the country was dependent on the productivity of the agricultural sector though with a bias towards heavy industries. The Industrial Policy Resolution of 1956 propounded a mixed-economy model of development for India whereby both public (state) and private industries co-exist. This policy demarcated as the sectors of public and private sectors. Public sector would look after important sectors like Defence, Atomic Energy, Railways etc. and private sectors was entrusted with other sector on the basis of a licensing system. Thereby, this policy resolution extended the intervention of state to more sectors as compared to the first resolution of 1948[14]. The power of the Planning Commission had also increased by then and many gave it the title of 'super cabinet'[15]. However, the situation had changed as soon as Lal Bahadur Shastri became the Prime Minister and the following unit will focus on that.

Check your Progress 1

Question 1 – What is the economic condition of India right after Independence?

Question 2 – State two reasons for the State control of Indian economy in the initial days after independence.

Question 3 – Discuss the significance of the Industrial Policy Resolutions in the development of Indian economy.

1.5 The Approach to a Liberal State:

After the Sino-Indian war of 1962, India was reeling under severe economic crisis and after the death of Jawaharlal Nehru in 1964 the political-economic scenario of India had changed a bit. The defense expenditure had increased due to Indo-Pakistan war that followed soon

[14] The Industrial Policy Resolution of 1948 had only three public sector industries while in the second Industrial Policy Resolution it got increased to Fifteen (Mukherji, 2009)

[15] Rahul Mukherji. "The State, Economic Growth, and Development in India." *India Review* Volume 8, 2009 (https://www.tandfonline.com/doi/full/10.1080/14736480802665238?scroll=top&needAccess=true)

after. Moreover the country faced decline in food grain production and inflation[16]. Hence, the situation demanded some structural changes. Lal Bahadur Shastri, who succeeded Nehru, had prioritized agriculture; significantly reduced the power of the Planning Commission devalued the rupee, liberalized imports, reduced size of public sector and increased foreign investment[17].

Indira Gandhi, who held the helm of affairs after Shastri's sudden demise, followed Shastri's policy for some point of time. The war with Pakistan in 1965 had hit the economy very hard. Added to this were the droughts of 1965 and 1966. Hence, India had to ship US PL 480 wheat. The government was short of finance for the fourth plan (1969-1974) and depended largely on external sources. The country already had two years of plan holiday. So, India sought technical and financial assistance from the US which paved the way for 'green revolution' in India. This mainly brought about a revolution in two ways – by introducing high yielding variety (HYV) seeds, advanced machines for farming, irrigation facilities etc. This helped non-rice eating states (as it focused more on production of wheat) like Haryana, Punjab and doubled the wheat output of India. This process, was criticized as it benefited only a certain section of people who could afford to buy these machines. However, it helped Indian economy to overcome food crisis and poverty.

By 1969, Mrs. Gandhi also changed her stand and participation of private sectors was restricted in many sectors of the economy. She went on a spree of nationalisation which touched sectors like insurance, banks, coal, wheat etc. The Monopolies and Restrictive Trade Practices Act was introduced which debarred monopolies and imposed restrictions on certain big private companies (with assets more than 20 crores) in the economy. The next act in line was the Foreign Exchange Regulatory Act (1974) which reduced the rate of equity of the foreign companies from 51% to 40%[18]. This change in the stand of Mrs. Gandhi, however, had political linkage and this is very much associated with the inner party conflict within the Congress Party. Mrs. Gandhi had faced oppositions for many of her policies specially from senior leaders like Kamraj and Morarji Desai. This made her to align herself with the left parties[19] and the political and

[16] ibid

[17] On recommendations of Bell Report commissioned by World Bank in 1965

[18] Rahul Mukherji. "The State, Economic Growth, and Development in India." *India Review* Volume 8, 2009 (https://www.tandfonline.com/doi/full/10.1080/14736480802665238?scroll=top&needAccess=true)

[19] In this context, it can also be mentioned that this alliance with the Left helped the Presidential Candidate supported by her, V. V. Giri to win the elections in 1969 over

economic policies that followed thereafter reflected the same. However, this idea of state control of the economy didn't result in ameliorating poverty and the poverty ratio deteriorated in the following years.

The following years (from 1975) saw an authoritarian side of Mrs. Gandhi who imposed emergency and the very idea of democracy was put aside. The press was significantly censored[20], the judiciary was sidelined[21] and the country witnessed the rule of her coterie of loyals well supported by her son Sanjay Gandhi. Her undemocratic stance faced opposition from many and more prominently Jay Prakash Narayan. However, almost all the opposition leaders were put behind the bars. At this point of time, Mrs. Gandhi initiated certain pro-poor policies in the form of the Twenty point Programme. This programme encompassed various sectors like poverty, employment, education, housing, health, agriculture, land reforms etc. Along with this, her son Sanjay Gandhi also came up with his five point programme. Two of these, namely forced sterilization as a measure of family planning and beautification of city by destroying the slums had invited flak from majority. As a fall out of these, Congress lost the election in 1977 and the first non-Congress government led by Morarji Desai was formed at the centre. However, Congress under the Prime Ministership of Mrs. Indira Gandhi regained power and her second tenure saw a significant change in her policies in the political-economy arena. This made analyst argue that in this phase (1980s onwards) the idea of the developmental state in India 'imploded'[22]. The following section will stress on that.

After coming back to power in 1980, Mrs. Indira Gandhi had completely over-turned her earlier policies. From 1970s her emphasis was on removing poverty and her slogan of 'Garibi hatao' found consonance with the masses. However, poverty wasn't reduced much and moreover this didn't benefit her vote-bank. Apart from that the middle class was already offended with her due to her abuse of power

---

Neelam Sanjiva Reddy (who was supported by many Congress leaders) with only a narrow majority. This also led to a split in the Congress party (Mukherji, 2009)

[20] This period marked severe curtailing of 'freedom of expression' which took the form of censorship of media. Any news, cartoon, photographs or ads which were seen to be even slightly critical of the govt. were censored. In December, 1975, by an ordinance, the Press Council was abolished. In February 1976, the govt. forced the merger of four independent news channels into a single news agency called Samachar, which functioned under effective govt. control.

[21] The executive during this period intervened into the functioning of the Judiciary. Mention here should be made to appointment of A. N. Ray (who was a confidant of Mrs. Gandhi) as the Chief Justice of India by surpassing senior judges Shelat, Grover and Hegde. Also the judiciary and executive engaged in a tussle then over the amendment of Fundamental Rights.

[22] Atul Kohli. *Democracy and Discontent: India's Growing Crisis of Governability.* Cambridge: University Press, 1990.

during the emergency. So this time her focus was on catching the attention of the middle class. Hence, there was cut in direct taxes; tax was exempted for both income and wealth taxes and surcharge on income tax was also halved[23]. The consumer goods were made available and cheaper and excise duties were also reduced on them[24]. The 1980s also saw a change in government's effort on poverty reduction. Land reforms were abandoned and public investment in agriculture started declining[25]. This soft attitude towards the corporate sector was also because of the fact that they financed most of her election funding. Hence, at that point of time the politicians and the bureaucrats maintained very good relations with the industrialists. Mrs. Gandhi further passed the Industrial Policy Statement in 1980 which brought in certain macro-economic reforms as suggested by the IMF[26]. She also sought for funds from IMF after the second oil shock in 1979. Most parts of the Monopoly and Trade Practices Act were relaxed and this helped the private companies to expand their business. This period also saw the decline of the licensing system and the private sectors were allowed to open industrial units in certain sectors.

Rajiv Gandhi came to power after the assassination of Indira Gandhi in 1984. Very much like his mother, Rajiv Gandhi also wanted to promote the private sector. He also made sufficient liberalization of credit towards the large companies[27]. He had a hunch towards electronics and technological equipments and focused on technological development by welcoming private sectors into it. He entered into a joint venture with the Suzuki Corporation of Japan for the development of automobile industry in India. He de-licensed 30 industries and 82 pharmaceutical companies[28]. Apart from these, his tenure also deregulated the telecommunication services. This made Atul Kohli argue that the tenures of Mrs. Gandhi and Rajiv Gandhi had inclination towards 'big businesses'[29]. Thus, their tenures paved the way for liberal reforms in India.

---

[23] Diego Maiorano. "Continuity amid Change in India's Political Economy from 1980-2004." *Economic and Political Weekly* March 2014 , Vol. xlix no. 9 (44-45, 48-54)

[24] Ibid (p.48)

[25] Ibid (p. 50)

[26] Mukherjee, 2009

[27] Stuart Corbridge "The Political Economy of Development since Independence." Chapter 21 in Paul Brass (ed.) *Handbook of South Asian Politics*. London: Routledge, 2009 (pp. 305-320)

[28] Mukherjee, 2009 (p.9)

[29] Atul Kohli. "Politics of Economic Growth in India, 1980-2005, Parts 1 and 2." Economic and Political Weekly vol. xli, no. 13(1st April, 2006) pp. 1251-59 and 14 (8th April, 2006), pp. 1361-1370

Stop to Consider

The developmental state in India saw both change and continuity in the years from 1964 to 1991. Lal Bahadur Shastri started off on a liberal note and had a welcoming stand towards the private players. But Indira Gandhi during her first stint as the Prime Minister was vehemently in opposition with the corporate sectors. She sided with the left and brought in mostly pro-poor policies. However, the situation transformed when he resumed office in 1980. She started favoring the corporate players and made them an important part of the economic development of the nation. The same policy was emulated by Prime Minister Rajiv Gandhi.

Self Asking Questions 1

Do you think the rule of Indira Gandhi and Rajiv Gandhi marked a shift away from the development model of the Indian state? State reasons for your answer. (10+80 words)

……

……

……

……

1.6 Liberalisation of Economy:

The Indian economy was facing severe financial crisis in 1990s. This needs to be understood within a larger political framework. There was widening gap between government expenditure and revenue. The changing political climate made the government to cater to a large number of interests groups many of them who were hitherto sidelined by the policy makers. It was only in 1989, a large number of lowers castes groups came to the limelight with the implementation of the Mandal Commission. The commission reserved 27% seats for the Other Backward Classes in government jobs[30]. The fiscal deficit worsened with the Gulf War of 1990 and with the increase in oil prices. The economic reforms in India were very much influenced by the paper written by Montek Singh Ahluwalia in 1990. In his paper, he recommended freedom for foreign capital, devaluation of the rupee, closure of non-profitable public units etc.

During this period of time, the international political economic sphere had witnessed significant change. Political leaders in United States and

[30] Francine Frankel. *India's Political Economy, 1947-1977: The Gradual Revolution* (Princton: University Press, 1978)

United Kingdom, Margaret Thatcher and Ronald Raegan had embraced the liberal framework by then. In 1991, the USSR also disintegrated as a result of Gorbachev's policy of Glasnost and Perestroika, which focused on restructuring the economy. The world was approaching towards a uni-polar system with US being the dominant country. This signaled an ideological shift in majority countries. The idea of developmental model was gradually fading away and there was increasing consensus for an enlarged role of the market. This ideology popularly known as the Washington Consensus' was promoted by international institutions like IMF and World Bank.

In the early part of 1991, India's fiscal deficit was at 9% of its GDP. To withstand such a situation, then Finance Minister Dr. Manmohan Singh designed the budget and suggested curb in defence expenditure, cuts in subsidies in sugar, fertilizers and other items to be exported[31]. The inflation was also high during this period. Added to this was the internal political climate of the country which was experiencing unstable government at the centre, regionalistic and secessionist movements from nook and corner of the country. Compelled by the prevailing grim situation, India borrowed a huge amount of loan from the International Monetary Fund but this amount had conditions attached with it. IMF very tactfully managed India for comprehensive economic reforms. India had to open its economy, welcomed private players and predominant role of the state was significantly reduced.

The economic reforms were a package of two components together – a) Stabilisation of the economy and 2) Structural Adjustment in the economy[32].

a) Stabilisation of the Economy: This was suggested by the IMF and this aimed to stabilize prices and balance of payment deficits. The IMF recommended of two ways for achieving these. First, through deflation or reducing government expenditure. Second through initiating a strict monetary policy[33].

b) Structural Adjustment in the economy: World Bank recommended this strategy whereby they suggested that domestic prices should be in tandem with international prices that private players should be allowed in the domestic economy which would further be deregulated[34].

Thus, with the economic reforms of 1991, the developmental model was sidelined as India embraced Privatisation, Liberalisation and Globalisation of the economy. The Nehru-Mahalonobis Strategy

[31] Corbridge (p.14)
[32] Ignou Notes. "Political Economy of India Development." Unit 25 (https://egyankosh.ac.in/handle/123456789/37993
[33] Ibid (p. 39)
[34] Ibid (p.39)

stands reversed. However, it needs analysis whether this model of economic development was successful or not and next unit will focus on that.

Check Your Progress 2

Q. 1. Why did India liberalise its economy? State reasons for your answer.

Q.2. What are the two main dimensions of India's Economic Policy of 1991?

1.7 Post Liberalisation Era:

The initial years after the economic reforms, there was considerable economic growth. There was rise in the tertiary sector whereas agricultural arena fell behind other sectors and the increasing rate of farmer suicides is a reflection of this. Due to the policy of deflation, the government has curbed its spending on most of the sectors and this included agriculture also. Along with agriculture traditional industries like handloom industry had also suffered because of this. The poverty rate also didn't show much improvement and even in 2004-05 it was as high as 37%. And in 2011-12, almost 25% of India's population lives in absolute poverty[35]. Also, the inequality has increased from 29.6% to 36.8% in the period from 1991-2010[36]. The secondary sector and particularly manufacturing was lagging behind. Though foreign exchange reserves showed some improvement, yet after the Global Economic Crisis of 2008 it declined too. The economic reforms nevertheless helped certain sectors to flourish and here mention should be made of the service sector thanks to the boom in the IT industry. However, the share of agriculture in the GDP has declined (from 55% in 1950 to about 13% in 2015)[37]. Thus, though the reform achieved its short-term objectives it utterly failed in getting its long term objectives of ameliorating poverty, unemployment and this further widened the gap between the have and have-nots[38].

The involvement of tremendous foreign capital was reflected in BJP's (who is known for its pro-liberal stand) 'Shining India Campaign' during the election of 2004 where neo-liberal reforms in India was eulogized[39]. By 2004, almost all the parties had found peace with the neo-liberal reforms. BJP, however, opposed it initially when they brought in their concept of 'Swadeshi Liberalisation' and promoted

[35] Kalim Siddiqui (p.239)
[36] D. Nayyar. "Economic Liberalisation in India: Then and Now." Economic and Political Weekly 52 (2): 41-48, 2017
[37] Siddique (p.243)
[38] Ignou notes. "Political Economy of India Development." Unit 25 (https://egyankosh.ac.in/handle/123456789/37993 (p.40)
[39] Corbridge (p.14)

indigenous products and internal economic liberalisation[40]. Even the Communists who were staunch critic of the liberal reforms, changed their stance afterwards thus welcoming the new terminology of 'Corporate Communism'[41].

Tele-communication revolution that started in the late 1990s and very evident today also signaled tremendous foreign investment and this in a way catered to the middle class[42]. However, India still lags behind other countries as far as manufacturing sector is concerned. Hence, now the government has brought in the "Made in India Campaign" to increase the share of GDP of this sector to 25 by this year[43].

The industrial growth rate has also decreased from 1950s. During the period from 1950-1991 it was 6.32% annually while in the period from 1991-2012 it stands at 6.28%[44]. This is despite governemnet's attempt at promoting industrialisation through the creation of Special Economic Zones for infrastrcutere and industrial development.

Despite the process of liberalization, Indian economy hasn't witnessed exponential growth. By 2000, the tariff rates in India were 30% and GDP was 25% which was low by international standards[45]. India hasn't even gone nearer of executing the Millennium Development Goals as put forth by the United Nations.

An important pre-requisite for the success of a developmental state model is that the state should be autonomous from the power elites. The success stories of the developmental model of South Korea and Taiwan speaks volume about this. However as argued by Francine Frankel and Pranab Bardhan[46], in Indian state the pre-dominance of three classes of people in a way sabotages the autonomy of the state. These three classes according to them are – the rich farmers in India, its industrial bourgeoisie and the bureaucrats. Thereby, one can say that the developmental state in India was in its heydays during the Nehruvian period of the derigiste regime, however it had declined over the period and the state has been significantly sidelined in the post-reform period. The private players have invaded many sectors which hitherto lied with the public sector. In some areas like Railways, Posts the role of the state is still intact. The concept of PPP (public private partnership) is on the rise in the present time where both the public and the private sector work in tandem with each other. Thus the role of the state in India had changed depending upon the context. During independence, the active role of the state was required. However, taking into account the present scenario the initiatives of the private

[40] Corbrdige (p.15)
[41] Corbridge (p.15)
[42] Corbridge (p.15)
[43] Siddique (p.240)
[44] Siddique (p.247)
[45] Corbridge (p.14)
[46] Francine Frankel. *India's Political Economy, 1947-1977: The Gradual Revolution*. Princeton: University Press, 1978 and Pranab Bardhan. *The Political Economy of Development in India.* Oxford: Blackwell, 1984.

sector can't be undermined as state alone can't shoulder many responsibilities alone.

Self Asking Questions

How has the neo-liberal reform affected India's economy? Give significant reasons for your answer. (20+100 words)

……

……

……

……

1.8 The Current Scenario:

The idea of two Indias came out very prominently after the economic reforms. One India belonged to those super affluent people for whom India is a land of shopping malls and fancy multinational outlets like Mc. Donalds, Nike, Zara. Other India belonged to the major chunk of India's population who cannot even two meals a day, cannot provide themselves with the best health care facilities and somehow survive amidst deplorable condition. The Covid pandemic has further pushed them backwards as many of them lost their jobs. It had hit the informal sector the most.

In a nutshell, it can be said that after 30 years of neo-liberal reforms in India, there has been a little improvement in the GDP of the country (though the current pandemic and the lockdown has resulted in sharp decline of the same), foreign direct investment and stabilized balance of payments issue but in significant sectors like social sectors (poverty, education, health, employment generation, agriculture) India is yet to achieve a lot.

1.9 Summing Up:

The present chapter basically took into account the role of the state in the Indian economy and its change over the period. The concept of developmental state was brought in which means that the economic sphere needs to be prioritized and state need to play a dominant role in it. For the theoretical understanding of the developmental state, names of Luiz Carlos

Bresser-Pereira, Chalmer Johnson and Peter Evans are invoked. While Pereira described it in the context of Brazilian economy, Johnson used it for analyzing economy in East-Asian countries and Evans did it for the countries of North-East Asia. Bringing this in the context of India, one can say that during the initial years after independence this idea was very much in fashion but it changed with time. Due to the prevailing economic condition of India at the time of independence the policy makers decided that the state should take control of the economic affairs of the state. However, all of them agreed to the fact only through industrialization economic development is possible. However situation changed from the 1980s onwards, as during the tenure of Mrs. Indira Gandhi and Rajiv Gandhi, Indian gradually opened its economy. The 1991 witnessed a watershed moment in the history of India with the start of neo-liberal reforms in India. Thus, the idea of the developmental state with these reforms was kept at bay. If we analyse the present situation the connotation of the developmental state doesn't seem to be in vogue. The private players have become a significant (if not necessary) factor of the economy. The idea of economic development of India in the current scenario seems to be incomplete without the intervention of the private sector. Hence, it can be said the idea of developmental state started on a good note but with time it faded away.

1.10 References:

Bardhan, Pranab. *Political Economy of Development in India.* Delhi: Oxford University Press, 1985.

Corbridge, Stuart. "The Political Economy of Development since Independence." Chapter 21 in Paul Brass (ed.) *Handbook of South Asian Politics*. London: Routledge, 2009 (pp. 305-320)

Evans, Peter B. "Predatory, Developmental, and Other Apparatuses: A Comparative Political Economy Perspective on the Third World State." *Sociological Forum* 4, no. 4, Special Issue: Comparative National Development: Theory and Facts for the 1990s (Dec., 1989), pp. 561-587

Evans, Peter B. *Embedded Autonomy: States and Industrial Transformation.* Princeton University Press, 1995

Frankel, Francine. *India's Political Economy, 1947-77*: *The Gradual Revolution*. Princeton: University Press, 1978.

Ignou Notes. "Political Economy of India Development." Unit 25 (https://egyankosh.ac.in/handle/123456789/37993, accessed on 19th March, 2022)

Kohli, Atul. *Democracy and Discontent: India's Growing Crisis of Governability.* Cambridge: University Press, 1990.

Kohli, Atul. "Politics of Economic Growth in India, 1980-2005, Parts 1 and 2." *Economic and Political Weekly* vol. xli, no. 13(1st April, 2006) pp. 1251-59 and 14 (8th April, 2006), pp. 1361-1370

Mairano, Diego. "Continuity amid Change in India's Political Economy from 1980-2004." *Economic and Political Weekly* March 2014, Vol. xlix, no. 9 (44-45, 48-54)

Mukherji, Rahul. "The State, Economic Growth, and Development in India." *India Review* Volume 8, 2009 (https://www.tandfonline.com/doi/full/10.1080/14736480802665238?scroll=top&needAccess=true, accessed on 12th March, 2022)

Naoroji, Dadabhai. *Poverty and Un-British Rule in India*. Swan Sonnenschein & Co., 1901

Nayyar, D. "Economic Liberalisation in India: Then and Now." *Economic and Political Weekly* 52 (2): 41-48, 201.

Pereira, Luiz Carlos Bresser. "Models of the developmental state." *CEPAL Review*, August 2019 (pp. 35-47)

Rudolph, Lloyd I and Susanne H. Rudolph. *In Pursuit of Lakshmi: The Political Economy of the Indian State.* New Delhi: Orient Longman, 1987.

Siddiqui, Kalim. "The Political Economy of India's Postplanning Economic Reform: A Critical Review." *World Review of Political Economy* 9(2): 235-264 (Summer, 2018) (https://www.jstor.org/stable/10.13169/worlrevipoliecon.9.2.0235, accessed on 15th March, 2022)

1.11 Model Questions:

1) Write in brief about the Nehru-Mahalonobis Strategy. Discuss the pitfalls of this strategy.

2) Do you think the process of planning is successful in India? Give sufficient rationale for your answer.

3) Why did India spearhead the Neo-Liberal Economic reforms in India? Briefly analyse the reasons.

4) Critically analyse the neo-liberal reforms in India.

Answer to check your progress/Possible Answers to SAQ

a) **Check your progress 1** – Q. 1. – See 1.4 section (First three sentences); Q. 2. – See 1.4 section (Middle sentences); Q. 3. – See 1.4 section (last sentences)
b) **Self Asking Questions 1** – See 1.5 (5th paragraph)
c) **Check your progress 2** – Q. 1. – Integrate 1st, 2nd and 3rd paragraph of section 1.6; Q.2. – 4th Paragraph of section 1.6
d) **Self Asking Questions 2** See section 1.7

UNIT 4

NEW WAVE OF POPULISM: MNREGA

1. INTRODUCTION:

Democracy is known as the welfare form of government and as such Democratic form of Governments across the world, puts in earnest endeavours to bring forth legislations that would harbinger a socio-economic parity in the society; so that the society can be rendered class less. Indian Government too, has, working according to the directive principals of state policy, exerted efforts to usher equality and development in the nation and as such Indian nation is known to be in villages, hence the progress of the villages is primarily significant. MNREGA, a modification of the NREGA, scheme is considered a milestone in this regard.

1.2 Objectives:

2. Explain the concept of populism.
3. Discuss the provisions contained in MNREGA.
4. Explain the functionary of MNREGA.
5. Discuss MNREGA in recent changes.

In political discourse, Populism refers to the idea that Society is bifurcated: as the powerful or elite class and the less powerful or powerless or non-elite class and that both these classes are at loggerheads against each other, and a quintessential paradigm of populism movement that the real people or the non-elite class is being represented through the political leaders having affiliation to separate ideological basis. Not only this the common masses are thoroughly coaxed into conviction that their interests are represented by the populist leaders who pledge to hold their head high with respect, dignity and security. The term originated in the late 19th century within the discipline of political science as well as the political scenario, with different connotations implying utterly contrary significance: hence the term has also been derogatorily used for the leaders who tend to stand against the elite class; developing themselves into an authoritative voice.

1.3 Key Features:

- Only leaders are the true representation of the people & can safeguard their interests and can ward them off against all odds induced by the elite class.

- Very dominant figures who also become cult figures dominate the political parties representing the populist leanings, such people who claim to be the voice of the people. Former US President Mr. Donald Trump was known to be populist leader who in one of his speeches declared vehemently against the handful of elite people controlling the machinery: economic as well as government and thus the commoner are the victims.
- In the populist parties, both left and right wing leanings are usually displayed.
- Authoritarianism is usually one of the connotation associated with Populism.

In the ideation populism, the movement of populism is not only the movement that can stand in isolation rather it's a movement that can be found and traced in many of the contemporary or conservative movements that have swept the social-political or economic strata, be it liberalism, nationalism, classical liberalism or socialism. Whereas the popular agency definition of the movement, interprets populism in the sense of helping the minority classes and marginalized classes seeking their rights and economically defying and overthrowing the structures that try to oppress them.

STOP TO CONSIDER

Populism is thus of the notion that society is not class less: its divided into two opposite groups: Elite & Marginalized.

It is of the profound conviction that it can safeguard the interests of the commoners against the elite class.

SAQ:
What is your stand on the derogatory perspective on Populism as Authoritative?

MNREGA:

2. INTRODUCTION

After Second World War, India emerged as a welfare state since its independence and in a welfare state the welfare of the common citizens is the responsibility of the state. Generally speaking, development can be conceptualized as a movement from the less desirable to more desirable state of affairs. It includes, increasing the leaving standard of the society, more equitable distribution of wealth, political and economic empowerment, better education and health care services and ensuring social justice, etc. Thus "development is a process of change aiming at socio-economic transformation of a society into a modern one" 1

Prakash, Jai, and Mishra, P.,(1995), "Negative Impact of Rural Development Plans", Mohit Publications, New Delhi, p.1

Therefore, rural development is an inevitable part of the overall development. In India, the concept of „rural development" came into vogue in the context of agricultural development.2 Since an overwhelming majority of India"s population lives in villages, so the development of its rural areas remained of vital significance right after independence. At the international level, the Indian economy stands fourth. However it is unfortunate that the process of economic development has uneven as most of the rural areas are deprived of the development process.

The Eleventh Five Year Plan17 (2007-2012) was primarily focused on a direct reduction of the poor. It has been conceived in the plan that speedy development of economy is required to minimize their number through the rapid expansion of employment opportunities. To this end, effective implementation of anti-poverty programmes and more and more investment in education, health, child nutrition, sanitation facilities, etc. is required. In this plan the adoption of a multi-pronged approach has been suggested in order to deal with the chronic and multi-faceted

nature of poverty in our country. This plan reaffirmed the strategy for poverty reduction and inclusive growth through the successful implementation of poverty reduction programmes. The plan further emphasized the empowerment of workers under National Rural Employment Guarantee Scheme (NREGS). To promote savings on the part of workers, initiative towards the opening of accounts either in banks or in post offices has been encouraged on larger scale. To provide insurance cover to the workers, different life and health insurance schemes have been envisioned. Besides, a National Agency has been proposed under this plan to plan, organize and coordinate the anti-poverty programmes outside the ministry which will act as the think tank to provide requisite technical expertise and capacities. 10 workers, different life and health insurance schemes have been envisioned. Besides, a National Agency has been proposed under this plan to plan, organize and coordinate the anti-poverty programmes outside the ministry which will act as the think tank to provide requisite technical expertise and capacities. Twelfth18 Five year plan (2012-17) recommended for the creation of Flexi-fund for rural development having an amount of 40,000 crores which will be shared in the ratio of 70: 30 by the centre and state governments respectively to provide more flexibility to states with regard to their specific financial needs in implementing their various schemes for rural development. The plan also provided for expansion of permissible works under MNREGA in order to develop its link with agricultural activities. It also provided for preparation of labour budget for the purpose of assessing the demand of work in advance so that employment could be provided as per the demand. Further this plan also proposed the mandatory appointment of a full-time Programme Officer at block level under MNREGA.

STOP TO CONSIDER: MNREGA Introduced by the 11th Five Year plan but was more conceptualized in the 12th Five Year Plan of the Government.

The Act provides to ensure 100 days of employment in form of unskilled manual work to every household in rural areas. Initially, in the first phase the Act was implemented in 200 districts since February 2, 2006. The Act was later extended to another 130 districts during 2007-08 (113 districts were covered since April 1, 2007 and 17 districts in Uttar Pradesh (UP) were covered since May 15, 2007). The rest of the districts were covered under MNREGA since April 1, 20081. Thus, till now MNREGA has been implemented in all the districts of India except those districts which have a hundred percent urban population. The Act was enacted to achieve following goals.

1. To protect the most vulnerable people socially in rural areas by ensuring employment to them.
2. To provide livelihood security for the poor by generating long-lasting assets, improving water security, conserving soil and ensuring higher productivity of land.;
3. To undertake drought-proofing and flood management activities in rural areas;
4. To ensure empowerment to the socially disadvantaged, especially women, schedule castes (SCs) and schedule tribes (STs) through the processes of a rights-based legislation;
5. To strengthen decentralized and participatory planning through convergence of various anti-poverty and livelihoods initiatives;
6. To ensure deepening democracy at the grass-roots by strengthening Panchayati Raj Institutions;
7. To ensure greater transparency and accountability in governance.

Check Your Progress

Q.1 Which goals are expected to be achieved with the initiation of MNREGA?

Q2. MNREGA is a schemed known as people's scheme, how?

Q3. Trace the development of MNREGA.

2.1 IMPLEMENTING AND MONITORING AUTHORITIES

Central Employment Guarantee Council (CEGC): According to section-10 Central Employment Guarantee Council (CEGC) is to be constituted consisting of a chairperson, representatives from union ministries, planning commission and state governments. The council must also include non-official members representing Panchayats (two chair persons of district panchayats), worker organizations and disadvantaged groups (schedule caste (SC)/schedule tribe (ST)/ other backward class (OBC). Besides, one-third of the non-official members must be women. The council has its headquarter in Delhi.

Functions and duties of Central Council: As per section 11 of the Act Central Employment Guarantee Council (CEGC) discharges functions including–advising central government for effective implementation of the provisions of MNREGA; reviewing the monitoring and grievance redressal mechanism under the Act and making recommendations thereto; promoting maximum dissemination of information about the schemes made under this Act and to monitor the implementation of this act to prepare an annual report to be presented to parliament

Principal Authorities for Planning and Implementation Panchayats at District, Intermediate and Village Level:

According to section 13 of the Act, the responsibility of planning and implementation of the works under MNREGA scheme has been conferred to Panchayats functioning at village, block and district levels. The district level Panchayat supervises and monitor the projects undertaken at the block and district level besides approving projects block-wise. On the other hand the block level panchayat approves block level plans and submit these for approval to the panchayat at district level. Further, it supervises and monitors the works undertaken by the village panchayats and the block level projects.

District Programme Coordinator (DPC):

Section-14 of the Act provides that the responsibility of implementation of MNREGA scheme at district level is of the district programme coordinator (DPC). This responsibility may be assigned to district collector or chief executive officer of the district panchayat or any other officer of appropriate rank. The district programme coordinator (DPC) discharges following functions:

1. Consolidates block level plans and projects approved by the district panchayat.
2. Provides administrative clearance and sanction regarding implementation of the projects under MNREGA.
3. Coordinates with the programme officers (POs) and implementation agencies of district to ensure employment to workers as per their entitlements under the Act.
4. Supervises, monitors and reviews the performance the programme officers (POs).
5. Conducts periodic inspection of ongoing works.
6. Redresses the grievances of MNREGA workers.
7. Prepares annual labour budget and submits it to district panchayat.

Programme Officer (PO):

According to section-15, for assisting blockpanchayats in implementing MNREGA a programme officer (PO) atleast of block
development officer (BDO) rank, is to be appointed by the state government. The programme officer (PO) is held responsible to match the employment demand with that of opportunities of employment in form of projects within his jurisdiction area. Further, programme officer (PO) prepares plan after consolidating the project proposals of the gram panchayats and the block panchayats. The programme officer (PO) discharges following functions:

1. Monitors implementation of projects undertaken by gram panchayats (GPs) and other implementing agencies within the jurisdiction of the block.
2. Sanctions and ensures payment of unemployment allowance to eligible MNREGA workers in the block.
3. Ensures timely payment of wages at prescribed rates to workers under MNREGA within the jurisdiction in this block.
4. Ensures conduct of regular social audits of all works undertaken by gram panchayats within the block and is required to take prompt action to the objections raised in the social audit.
5. Deals with the complaints regarding implementation of MNREGA scheme.

Responsibilities of the Gram Panchayat: Section-16 of the Act provides that village level works under MNREGA scheme are to be decided by the gram panchayat as suggested by the gram sabha which also supervises the execution of works undertaken by the gram panchayat at village level. The projects taken up by a gram panchayat are required to be sanctioned by the programme officer. Every gram panchayat prepare a development plan and maintains a set of projects after considering the recommendations of gram sabha and ward sabhas to meet the potential demand of work. Besides, the gram panchyat allocates available work among the persons who have applied for work under MNREGA scheme.

Social Audit of work by Gram Sabha: Section-17 of the Act mandates that every work under taken under MNREGA scheme shall be subject to social audit which is to be conducted by gram sabha for all projects under taken by gram panchayat at village level. The gram sabha is also entrusted with the responsibility to monitor the execution of work undertaken by gram panchayat. For conduct of social audit, gram panchayat is required to provide muster rolls, vouchers, sanction orders, measurement orders, account books, etc.

Responsibilities of State Government in Implementing the Scheme: Section-18 of the Act provides that for effective implementation of the MNREGA scheme the district programme coordinators and the programme officers should be provided with technical support and necessary staff which shall be provided by the state government.

Grievance Redress Mechanism: Section-19 of the Act provides for establishment of grievance redress machinery by the state government in order to deal with complaints regarding implementation of the scheme both at block and district level. Further the state government is also required to provide procedure for disposal of complaints under the scheme. Establishment of National and State Employment Guarantee Funds: According to section-20 and section-21 of the Act creation of National Employment Guarantee and State Employment Guarantee Fund at the centre and the states level respectively have been mandated to arrange finance for implementation of the Act. Funding Pattern: Section-22 of the Act deals with sharing of cost between the centre and the state governments. Total cost of wages for unskilled manual work is borne by the central government whereas in case of cost of the material the share of central government is 75 percent whereas the state governments has to bear only 25 percent of the total material cost8 (which also includes wages paid to semi-skilled and skilled workers) and they do not have to pay for cost of wages paid for unskilled labour work under MNREGA scheme, but the state governments have to bear the total

cost of unemployment allowance paid if the state government failed to provide employment within 15 days of demand for work.

About MGNREGA In Brief:-

- The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), also known as Mahatma Gandhi National Rural Employment Guarantee Scheme (MNREGS) is Indian legislation enacted on August 25, 2005. The MGNREGA provides a legal guarantee for one hundred days of employment in every financial year to adult members of any rural household willing to do public work-related unskilled manual work at the statutory minimum wage. The Ministry of Rural Development (MRD), Govt of India is monitoring the entire implementation of this scheme in association with state governments
- This act was introduced with an aim of improving the purchasing power of the rural people, primarily semi or un-skilled work to people living below poverty line in rural India. It attempts to bridge the gap between the rich and poor in the country. Roughly one-third of the stipulated work force must be women.
- Adult members of rural households submit their name, age and address with photo to the Gram Panchayat. The Gram Panchayat registers households after making enquiry and issues a job card. The job card contains the details of adult member enrolled and his /her photo. Registered person can submit an application for work in writing (for at least fourteen days of continuous work) either to Panchayat or to Programme Officer.
- The Panchayat/Programme officer will accept the valid application and issue dated receipt of application, letter providing work will be sent to the applicant and also displayed at Panchayat office. The employment will be provided within a radius of 5 km: if it is above 5 km extra wage will be paid.

Key facts that users should know about MNREGA

1. MGNREGA guarantees hundred days of wage employment in a financial year, to a rural household whose adult members volunteer to do unskilled manual work.

2. Individual beneficiary oriented works can be taken up on the cards of Scheduled Castes and Scheduled Tribes, small or marginal farmers or beneficiaries of land reforms or beneficiaries under the Indira Awaas Yojana of the Government of India.
3. Within 15 days of submitting the application or from the day work is demanded, wage employment will be provided to the applicant.
4. Right to get unemployment allowance in case employment is not provided within fifteen days of submitting the application or from the date when work is sought.
5. Receipt of wages within fifteen days of work done.
6. Variety of permissible works which can be taken up by the Gram Panchayaths.
7. MGNREGA focuses on the economic and social empowerment of women.
8. MGNREGA provides "Green" and "Decent" work.
9. Social Audit of MGNREGA works is mandatory, which lends to accountability and transparency.
10. MGNREGA works address the climate change vulnerability and protect the farmers from such risks and conserve natural resources.
11. The Gram Sabha is the principal forum for wage seekers to raise their voices and make demands. It is the Gram Sabha and the Gram Panchayat which approves the shelf of works under MGNREGA and fix their priority.

Implementation Status

- The scheme was introduced in 200 districts during financial year 2006-07 and 130 districts during the financial year 2007-08
- In April 2008 NREGA expanded to entire rural area of the country covering 34 States and Union Territories, 614 Districts, 6,096 Blocks and 2.65 lakhs Gram Panchayat.
- The scheme now covers 648 Districts, 6,849 Blocks and 2,50,441 Gram Panchayats in the financial year 2015-16.

Works Permitted under Rural Employment Guarantee Scheme (REGS)- The works permitted under the Act includes- works related to conserving water, creation of facilities for harvesting of water, drought proofing, digging canals for irrigation, ensuring access to irrigation facilities to the land owned by schedule castes (SCs)/

schedule tribes (STs), restoration of tradition sources of water, development of land, protection against flood and improving connectivity to rural areas. Creation of Durable Assets- The Act aims to create long-lasting assets for increasing employment resources to rural people therefore, the State Council of the respective state is required to make a list of works for different areas on the basis of their potential to create durable assets and maintenance of the same shall be undertaken by the state government.

Payment of Wages- The payment of wages to MNREGA workers is mandated to be made as per schedule of rates which are to be fixed by the state government for different kind of work every year after consultation with State Employment Guarantee Council (SEGC), it is for the work when wages are linked to the quantity of work. The schedule of rates for unskilled work is to be fixed in such a manner that for seven hours work a day a person would be paid wage rate equal to wage rate annually. Manner of Execution of Work- It has been mandated under the Act that the payment made against material cost including the wages to be paid against skilled and unskilled workers cannot exceed 40 percent of the total cost of the project. Further, for undertaking work under MNREGA scheme contactor cannot be engaged and as far as possible the work is to be completed through manual labour and machine should not be used in this regard.

Transparency and Accountability- For every scheme made under the Act is required to contain provisions regarding regular supervision and inspection of works undertaken under the scheme for the purpose of enforcing accountability and ensuring accountability. Further, there should be provisions to ensure quantity and quality of work that is commensurate with the total wages paid for the work done. Further, facts and figures relating to achievements by implementation of the scheme are required to be shown in an annual report to be submitted by the district programme coordinator (DPC), the programme officer (PO) and gram panchayat (GP). Besides, all the records and accounts concerning to scheme are required to be made available for scrutiny by public and any person can inspect or take a copy of these records by paying a prescribed fee.

MINIMUM ENTITLEMENTS OF LABOURERS UNDER NREGA

1. **Eligibility to Work**- Any adult member of rural household is eligible to work under MNREGA who has applied for work and issuance of job card by submitting his name, address and age to the gram panchayat of his area. Thus all registered persons of a rural household are eligible to work under MNREGA subject to a maximum of 10, as per Schedule-II, Section-5, National Rural Employment Guarantee Act, 2005

But the application for work must be at 14 days of continuous work. Place of Employment- A work under MNREGA is required to be provided within a radius of five kilometers of his residence as far as possible but if it is not the case the worker will be paid ten percent extra wages to meet the additional cost of transportation and expenses on living.

Payment of Wages- Payment of wages under MNREGA scheme can be made in cash or in kind but at least twenty five percent of the wages are required to be paid in cash. Besides payment of wages shall be made within a period of 15 days and if it is not the case labourers will get compensation for delayed payment of wages.11 Entitlement to Women Labourers- Women beneficiaries are given work on priority and no discrimination can be made on account of gender in payment of wages they will be paid on the principle of equal pay for equal work. Further, it is mandated under MNREGA that one-third of workers to be women.12 Facilities at Worksite- The Act provides for the availability of certain facilities at work site like–safe drinking water, shade for children, first-aid box, etc. Besides, if at work site the number of children below six years is five in this case a woman worker is to be deputed to look after the children. Such woman will be paid wages as per wage rate.

Entitlements in Case of Injury or Death- If a person working under MNREGA scheme has sustained injuries during the course of employment, he will be entitled to receive free medical treatment. If he needs hospitalization for treatment, it will be arranged by the state government and the expenditure on treatment, medicine and accommodation along with daily allowance not less than 50 percent of wage rate all

the schedule-II of the Act has been inserted to lay down complaint procedure and the programme officer is required to maintain a complaint register. The complaints received are required to be disposed by the programme officer (PO) enquiry, inspection and spot verification within 7 working days. Amendments in 2009: On 1st January, 2009 section 6(1) was amended to empower the centre government to prescribe wage rates in respect of states/union territories for unskilled workers working under different schemes under MNREGA. On February 19, 2009 schedule-II, Para 31 was amended to make it mandatory that the payment of wages under MNREGA should be made either through post-offices or banks in order to weed out corruption in payment of wages to MNREGA workers. Further, the provision relating to part payment in kind and payment on daily basis was repealed.

On February 27, 2009 there was an amendment to MNREGA Central Council Rules, 2006 by which membership in the Central Council was extended. The extended membership includes– one representative of Prime Minister, one member from Ministry of Labour and Employment, one member from Ministry of Law and eight members representing the states. On July 24, 2009 sub-para 4, para-1, of schedule-I was amended to extend the list of permissible work under MNREGA. The list was amended to include the work related to provision of irrigation facilities, horticulture, plantation and land development facilities on the land of schedule castes (SCs), All Action Taken Reports shall be filed within in a month of convening of the social audit.

In June 2011, it was mandated through notification that gram sabha shall conduct a social audit two times in a year according to the prescribed procedure for this purpose Social Audit Rules were made.

On 4th May 2012 amendment was made to schedule-I of the Act through a notification issued by the Central Government to further extend the list of works permitted and separate guidelines for these works were also issued.

MNREGA OPERATIONAL GUIDELINES20 -2013

In order to facilitate the effective implementation of MNREGA and to achieve desired objectives operational guidelines have been issued by Rural Development Ministry of Central Government.

The new Operational Guidelines in this Regard has been issued in 2013. An overview of these guidelines has been given as under.

1) Roles and Responsibilities: These guidelines provide for the roles and responsibilities of different functionaries working at state, district, block and panchayat level.

2) Detailed Procedures: Detailed procedures for financial management planning, registration and allotment of employment, payment of wages and unemployment allowance and execution of work have been prescribed under the guidelines.

3) Planning and Labour Budgeting Procedures: For the purpose of planning of work preparation of Labour Budget has been prescribed. Further, guidelines also provides for conduct of baseline survey in order to access the quantum and timing of the demand for work, preparation of evelopment plan and projects for the Labour Budget. Guidelines also deals with the issues lating to approval of annual plan and Labour Budgets by gram sabha, consolidation

UNIT-5:
STATE, COERCION, EXTRA ORDINARY LAWS and ARMED FORCES SPECIAL POWERS ACT

5.1 Introduction
5.2 Objectives
5.3 Meaning of State, Coercion and Extra ordinary laws
5.4 Armed Forces Special Powers Act (AFSPA) 1958
5.5 Consequences of AFSPA
5.6 Summing Up
5.7 References and further readings

5.1 Introduction:

State is the most important actor in any contemporary political system. The era of globalization, privatization and liberalization makes states role more significant than ever. The state commonly refers to either the present conditions of a system or entity, or to a governed entity such as country or a sub-entity such as a province or a region. It is an organization which controls the population occupying a definite territory. It is differentiated from other organizations operating in the same territory. With the emergence of state as a powerful institution the conflict between state and none state actors also arises. In the era of neo liberalism it was anticipated that state should use minimum power which is also known as good governance. But irrespective of this idea of state, we can find many strict laws and regulations which

are being used by the state to combat any kind of conflict within the state. The modern states in almost all part of the World use coercive methods and laws to suppress any kind of dispute that took place within the territory of the state. Indian state is also not an exception to it. From time to time Indian statqe enacted many such laws which resulted in human right violation and creates anger and dissatisfaction in the minds of the citizens. For example we can mention some laws like Terrorist and Disruptive Activities (Prevention) Act, 1987(TADA), Prevention on Terrorism Act 2002 (POTA), National Investigation Agency Act (NIA) and Armed Forces Special Power Act 1958 (AFSPA).

5.2: Objectives:

After completing this chapter you shall be able to-

- Understand the concept of the state
- Aware regarding the nature of the extra ordinary laws
- Comprehend the meaning and features of AFSPA
- Assess the consequences of extra ordinary laws
- Critically examine if these laws are necessary or not

5.3: Meaning of State, Coercion and Extra ordinary laws-

State:

As we have discussed above the state is the most powerful institution in the present World order. The advocates of classical liberalism or the theory of laissez-faire individualism argues that, the state is an evil but a necessary evil on account of the selfishness and egoism of man. John Locke viewed that, state exists for the people who form it and they do

not exist for the state. The basis of the existence of the state is the consent. The state exercises authority in terms of law. The state has limited power. It is limited not only by natural law but also by civil law which is a re-statement of natural law. Natural rights have the sanctions of natural law and are inviolable. The state should be tolerant and it should tolerate the differences of opinion. The state has primarily negative functions. The only function of the state is to remove hindrances in the way of liberty.[1] According to Bentham, the business of the state is to promote the happiness of the society by a system of punishment and rewards. It had no other justification for existence. Bentham treated the state as an instrument devised by men for the promotion of the happiness of the community, but he did not contemplate any wider scope of state activity. The main function of the state according to him is legislation and the chief objective of legislation is to remove all institutional restrictions on the free actions of individuals.[2] According to these political theorists the nature of the state should be soft and righteous, but from time to time state proves it to be a strong institution that uses power to minimize any sort of crisis within the state. The modern states act as a welfare state and the same time we can see the use of cohesive methods to fulfill its own functions. State always tries to act strong over other forces which challenge its power and authority.

Coercion:

Coercion is a form of power. To exercise coercion is to exercise power. It is compelling a party to act in an involuntary manner by use of threats, including force. It involves a set of various types of forceful actions that violate the free will of an individual to induce a desired response. We can use coercion opposite to freedom. It implies use of

[1] Unpublished thesis of the author, Conflict resolution in Assam: responses of state and civil society towards United Liberation Front of Asom (ULFA), submitted in North Eastern Hill University, Shillong 2016

[2] V.D. Mahajan, *Political Theory*, Rajendra Ravindra printers, New Delhi, 2003,p.621

force by the government to solve any dispute. It contradicts the concept of good governance. Good governance which speaks about minimum use of power by the government opposes the strong methods used by the states within their territory.

Extra ordinary laws:

It may not be in related with best democratic practices, but almost all contemporary liberal democratic regimes have an assemblage of "exceptional" laws. According to modern state these laws supports democracy, like in the US and India. These laws are often referred to as "extraordinary" laws, such laws are designed to, and legitimized by, the persistence of extraordinary situations. Internal trouble of a violent, destabilizing nature, civil war, threats to national security and terror activities formed some of the reasons for the enactment of extraordinary laws globally. In case of India we can give some example of extra ordinary laws which are already mentioned above. They are, Terrorist and Disruptive Activities (Prevention) Act, 1987(TADA), Prevention on Terrorism Act 2002 (POTA), National Investigation Agency Act (NIA) and Armed Forces Special Power Act 1958 (AFSPA). Though these laws are tough and strict by nature but most of the time we can witness the unconstructive side of the law which generates more conflict and violence in the respective state.

Stop to consider:

- Nature of modern states
- India as a democracy
- Necessity of coercive methods adopts by the states
- Impact of extra-ordinary laws

5.4 Armed Forces Special Power Act 1958:

The act Armed Forces (Special Powers) Act of 1958 (AFSPA) is one of the more draconian legislations that the Indian Parliament has passed in its 45 years of Parliamentary history.[3] Under this Act, all security forces are given unrestricted and unaccounted power to carry out their operations, once an area is declared disturbed. Even a non-commissioned officer is granted the right to shoot to kill based on mere suspicion that it is necessary to do so in order to "maintain the public order". [4]

The AFSPA gives the armed forces wide powers to shoot, arrest and search, all in the name of "aiding civil power." It was first applied to the North Eastern states of Assam and Manipur and was amended in 1972 to extend to all the seven states in the north- eastern region of India. The enforcement of the AFSPA has resulted in innumerable incidents of arbitrary detention, torture, rape, looting and killing by security personnel. This legislation is sought to be justified by the Government of India, on the plea that it is required to stop the North East states from seceding from the Indian Union. The implementation of this act violates the right to life of the people of North-East India. Though there are oppositions and protests against this act in the various parts of the region Indian government ignored all this. The death of people under this act cannot be taken for judicial action; hence this act also violates the right to get justice of the people.

The section 3 of AFSPA defines "disturbed area" by stating how an area can be declared disturbed. It grants the power to declare an area

[3] Armed Forces Special Power Act: A Study in National Security Tyranny, Published by *South Asia Human Rights Documentation Centre*, New Delhi, 2009, p.11

[4] Chandana Bhattacharjya, State Security and Human Rights: A study of Armed Forces Special Power Act, *Vistas De Society,* Annual journal of USTM, volume v, 2020-2021, p. 45

disturbed to the Central Government and the Governor of the State, but does not describe the circumstances under which the authority would be justified in making such a declaration. However, since the declaration depends on the satisfaction of the Government official, the declaration that an area is disturbed is not subject to judicial review (Armed Forces Special Power Act: A Study in National Security Tyranny, 2009.) So in practice, it is only the government's understanding which classifies an area as disturbed. There is no mechanism for the people to challenge this opinion.

The 1972 amendments to the AFSPA extended the power to declare an area disturbed to the Central Government. In the 1958 version of the AFSPA only the state governments had this power. The 1972 amendment shows that the Central Government is no longer concerned with the state's power. Rather, the Central Government now has the ability to overrule the opinion of a state governor and declare an area disturbed. This happened in Tripura, when the Central Government declared Tripura a disturbed area, over the opposition of the State Government.

The section 6 of AFSPA establishes that no legal proceeding can be brought against any member of the armed forces acting under the AFSPA, without the permission of the Central Government. This section leaves the victims of the armed forces abuses without a remedy. The AFSPA is used to provide legal protection for the members of security forces who violated human rights. National Human Rights Commission is also not empowered to address allegations against military and paramilitary personnel.

From the discussion above we can understand that, AFSPA is one of the biggest examples of coercion used by the government of India. Recently this act is being removed from all parts of North- East India

other than Nagaland. In Nagaland government extended this act for another six months. This leads to vast protest in Nagaland by its citizens, student organizations and civil society organizations.

5.5. Consequences of AFSPA:

From the above discussion we can make out that the extra ordinary and coercive laws cannot bring peace to any conflicting society. Rather it creates more mayhem. The consequences of AFSPA are also similar to it. As mentioned in chapter 5.4 AFSPA gives enormous power to the security personals especially to the Indian Army. When a particular group enjoys more power than the other groups of the society it makes that group relentless. Army is mostly trained to tackle the foreign enemy of a nation their training is not for the civilians of that nation. Using of Army in internal issues leads to gross human rights violation. Innocent peoples are also becomes the victim of Army operations. India is the largest democracy of the world, here every citizen can enjoy their democratic rights without any restriction according to the Indian constitution, but in practice this is not followed by the Indian Government. In the name of state security Indian Parliament passes such types of laws which violate the supreme right of its citizens that is right to life. There are numerous reports that due to these laws there are arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and insurgents, especially in the conflicting areas of North-East India.

For a state it is important and necessary to protect its integrity and sovereignty. It never compromises with any factors that try to violate the basic law of the land. It is also the duty of the government to not encourage such practices. But at the same time making of strict and coercive laws will worsen the situation instead of solving it. In a report

on the AFSPA to the UN Human Rights Committee in 1991, Nandita Haksar, a lawyer who has often petitioned the Guwahati High Court in cases related to the AFSPA, explains how in practice this leaves the military's victims without a remedy. Firstly, there has not been a single case of anyone seeking such permission to file a case in the North East. Given that the armed forces personnel conduct themselves as being above the law and the people are alienated from the state government, it is hardly surprising that no one would approach the central government for such permission. Secondly, when the armed forces are tried in army courts, the public is not informed of the proceedings and the court martial judgments are not published.[5]

Check your progress

- Why state is consider as most important in contemporary World order?
- What is the importance of extra ordinary laws?
- What do you mean by AFSPA?
- Indian government uses ----------methods to combat insurgency. (fill in the blanks)

5.6 Summing Up:

To sum up it can be said that the state is the most powerful organization in the modern political World. To sustain its power and legitimacy state uses extra ordinary laws which due to its rigid nature become coercive for the people of the state. In the contemporary World order it is very obvious for any state to maintain discipline inside its territory so that the foreign states will not able to take advantage of it, in fulfilling their own political and economic interest.

[5] *Ibid,* 33

For instance due to the insurgency in North East India countries like China and Myanmar got the opportunity to accomplish their political interest. The camps of most of the insurgent organization from this region can be found in Myanmar. There are evidences which prove that China helps most of the insurgent groups by providing arms. Even in Jammu & Kashmir the involvement of Pakistan can be seen in encouraging the Kashmiri youth to join militant organization against India. These developments direct to passing of strict and rigid laws by the Government of India, as it the utmost duty of a state to protect its own territory from external interferences.

But at the same time these coercive methods adopted by the state paved the way for more violence and dissatisfaction in the minds of the people. There should be a balance between the laws and its implications. Government should try to address the issues which are raised by the citizens. Government should become more accountable in nature. Adopting a poised approach to the internal conflicts can improve the situation better. The powers to shoot to kill must be unequivocally revoked. Arrests must be made with warrants and no force should be allowed in the search and seizure procedures. Any persons arrested under the extra ordinary laws are to be handed over to the police within twenty-four hours. Citizens should allow availing the right to constitutional remedy so that those who suffer abuses at the hands of the security forces may prosecute their abusers. Through these measures state can receive more participation from the citizens in every important subject of it.

5.7 References and further readings:

1. Baylis John, Smith Steve, The Globalization of world politics, Oxford University Press, Newyork, 2006

2. Bhattacharjya Chandana, State Security and Human Rights: A study of Armed Forces Special Power Act, *Vistas De Society,* Annual journal of USTM, volume v, 2020-2021.

3. Mahajan V.D., *Political Theory*, Rajendra Ravindra printers, New Delhi, 2003

4. G. Oberleitner, Human Rights and Security: The Two Towers? , Centre for the study of Human Rights (London School of Economics and Political Science), 2003.

5. Armed Forces Special Power Act: A Study in National Security Tyranny, Published by South Asia Human Rights Documentation Centre, New Delhi, 2009.

6. Unpublished thesis of the author, title: *Conflict resolution in Assam: responses of state and civil society towards United Liberation Front of Asom (ULFA)*, submitted in North Eastern Hill University, Shillong 2016.