



# How India does it

India's federal system has coped with many challenges for over 50 years.

BY ASH NARAIN ROY

**Indian** federalism is far from perfect. In fact, no federalism is. Flashpoints like caste and communal riots, demolitions of houses of worship, targeted ethnic killings and the recent campaigns in Assam and Maharashtra against Hindi-speaking Biharis show major problems not yet solved by India's federal system.

India is a nation where people are proud of their multiple identities. Within the formal collectivity of national citizenship, there exist other collective identities based on caste, religion, language, ethnicity and region. Problems begin where the "politics of the vote" sharpens these identities.

Still, the Indian experience suggests that federalism provides a stable and lasting way to accommodate multiple identities and loyalties within a single unified country. It provides a framework in which to express the aspirations of diverse groups and to resolve conflicts and tensions within a diverse society.

## High marks for democracy – and for federalism?

Independent India's most remarkable achievement has been the entrenchment of democracy. As the British writer Bernard Levin says, India has kept "the flame of democracy alight despite the darkness in the surrounding world". Levin goes as far as to suggest that "if the democracy of India falls, the end of democracy itself will be in sight". Perhaps such flattering observations can't be made about Indian federalism. The federal system in India has been described variously as "quasi-federal", "federation without federalism" and a "Union of unequal states". Nevertheless, India has kept the banner of federalism aloft at a time when two federations (perhaps pseudo ones) – the Soviet Union and Yugoslavia – disintegrated. Indian federalism has proved wrong the numerous prophets of doom who contemptuously dismissed India as a land of a "million mutinies".

To begin with, India was a highly centralized federation. But the rise of the regional parties and the success of federal



*A man in Mumbai receives a Hindu blessing called Puja. Conflict between religions still remains a problem for Indian federalism.*

coalition governments have given Indian federalism not only a new meaning but also a new measure of strength and vitality.

India has made a success of its democratic and federal system largely thanks to its enviable democratic record, institutional strengths, strong civil society and vibrant political culture. The federal principle has helped India to live peacefully with its marked differences. Years ago John Kenneth Galbraith described Indian democracy as a "functioning anarchy". In a similar vein, Indian federalism can be described as an amiable chaos.

When peoples in different parts of the globe are looking for an exemplary model of managing bewildering diversities – religious, linguistic, cultural – they would do well to look at India.

## Communal violence: the exception, not the rule

This is not to say that India does not have its share of trouble. In fact the demolition of the Babri Mosque in Ayodhya in 1992 and the tragic massacres in Gujarat in 2002 are still fresh in people's minds in India. The pogrom against Muslims in Gujarat in that year is a blot on Indian secularism.

Ash Narain Roy is Coordinator, International Studies at the Institute of Social Sciences, New Delhi.

What Gujarat witnessed was not merely communal riots of a barbaric kind, but a systematic effort to target the Muslims and their source of livelihood. Not only did the government of Chief Minister Narendra Modi in Gujarat provide no timely relief to the riot victims, it also sought to derail the trials. Recently the Supreme Court of India stopped the proceedings in ten of the main riot cases, transferring the trials outside Gujarat.

The Supreme Court responded to a petition filed by the National Human Rights Commission which argued that a fair trial was not possible in the state. Some Hindu fundamentalists are trying to recast Indian politics in a dangerous “communal” mould. They have had some success in Gujarat.

From all appearances they have failed to replicate the Gujarat experiment elsewhere. Secularism is very much intact in India. The state institutions, the judiciary, the press and the civil society remain secular to the core. Secularism seems to be India’s manifest destiny.

There are, of course, still many cases of ethnic strife.

The North-Eastern region is one such case. Different sections of the population feel that they have been left out in the cold by the process of development and have declared their loss of faith in the Indian state through militant movements. Problems in the North-East, and in other regions such as Jammu and Kashmir, were left to fester too long. What was essentially a revolt against age-old bondage, unimaginative politics and a disillusionment with the non-performing development model has been compounded by government fumbling and intervention by external forces.

The conflict in Kashmir between India and Pakistan can be viewed as not so much one of territory but of diametrically opposed models of government: theocracy versus secularism. The elections in Kashmir in 2002, acknowledged by foreign observers as free and fair, have gone a long way to restoring people’s faith in the political system. But it would be naïve to imagine that elections alone would resolve the Kashmir conundrum.

### **Language harmony**

India’s experience in resolving its language problem is more positive, and could be

## **Belgium: An evolution to federalism**

*Johanne Poirier, interviewed by Forum staff*

Belgium did not have a blueprint for federalism at the beginning. It is not as if one day politicians decided that they should transform Belgium into a federation. It happened gradually over more or less a 30-year period.

When you transform a unitary state into a federation, some people are bound to lose a certain amount of power and prestige because federalism is about sharing power. For that reason there was some resistance. There was fear that the transformation from a unitary state into a federal state would lead to chaos or to secession.

Belgium is a small country with a population of a little over 10 million. About 60 per cent of the population live in the Dutch-speaking or Flemish part. And about 30 per cent live in the south. Brussels is more complicated – an enclave in Flanders with many linguistic groups. The majority of the population in Brussels now speak French, although it’s a very multicultural society.

This is a very complex society, a country that was under foreign domination for most of its history and became independent in 1830. At that time, the majority of the population spoke a variety of Flemish dialects, similar to Dutch, but the elite spoke French and the institutions followed more or less a French design and were very centralized. The government was in the hands of an elite that spoke French regardless of where it came from. The majority of the population happened to speak Flemish, but this was not reflected in the institutions of the country. Gradually there were pressures to recognize institutions in Flemish and pressures for central institutions to reflect the diversity of the country.

This led to some accommodation within the unitary state. There was a recognition of certain institutions in Flemish, and gradually this was understood not to be sufficient. This led to a restructuring of the country into a more federal structure, meaning sharing powers between different levels of government, which are responsible for different tasks. Representatives at these levels were directly elected and given a democratic base, a democratic legitimacy.

The major point of federalism for citizens in Belgium is to bring some decisions closer to them in a complex society. That means that if the Flemish and the French use different languages, have different interests in culture, and want to promote their own educational system, they can do it.

For citizens, that has meant to a certain degree bringing power closer to them, and allowing for instance, the small German community in Belgium to have its own parliament to make decisions in terms of culture and education. There is also a parliament for the Flemish community and a parliament for the French.

By now the concept of federalism has percolated down to every citizen. They understand that they live in a system where power is divided, where they have a Flemish community government, a French community government, and a federal government.

---

*Johanne Poirier is a constitutional lawyer at the Centre de droit public, Université Libre de Bruxelles. Her specialties are comparative federalism and intergovernmental affairs.*

instructive. The language issue in the 1950s and 1960s threatened to tear apart the national fabric. India appeared on the verge of a civil war over language. The first clearly secessionist movement emerged in Tamil Nadu in reaction to the perceived imposition of Hindi. The Indian state, however, recognized the importance of regional languages and showed sensitivity towards linguistic nationalisms. When states were reorganized on linguistic basis, some feared that it would lead to India's disintegration. Such fears were unfounded. Today language is not, in general, a burning issue.

Indian federalism is of course still on trial. But it is no longer a trial by fire.

Experience suggests that federalism in India is not quite as shallow as was once considered. The era of single-party hegemony or the so-called "Congress system" is over. The Congress party, which dominated the Indian political scene like a colossus and which was responsible for centralizing power has now lost much of its power base and appeal. Its loss in four of the five states which held state Assembly elections in November 2003 – Mizoram, Delhi, Rajasthan, Madhya Pradesh and Chhattisgarh – has dashed hopes of India's grand old party, the Congress Party, capturing power in the 2004 federal Parliamentary elections on its own.

The transformation of India from a dominant-party system to a multi-party system has strengthened federalism. Government by coalition has now come to stay. The National Democratic Alliance, led by the Hindu nationalist *Bharatiya Janata Party* (BJP), has swept the Assembly elections thanks largely to its ability to forge a grand coalition of 20-odd disparate parties.

The Congress party lost heavily due to its vacillating stance on coalition government and its proclivity to go it alone. India, a continent-size country, is itself a coalition. Coalition governments better reflect India's multi-layered diversities and its diverse aspirations.

Over the years, India has experienced a silent, and perhaps not so silent, revolution. The so-called low castes, once called "untouchables", the intermediary castes, the peasantry and the regional parties have become the new stakeholders. All these groups now share the national cake. The *Dalits* (referred to in India's constitution as Scheduled Castes) and the marginalized groups have emerged as a powerful, independent factor in Indian politics. This, according to former Prime Minister V.P. Singh, "represents a change in the very grammar of Indian politics".

### ***A new breed of political party***

The new clout of the regional parties has transformed Indian federalism beyond recognition. Once scorned as the forces of disintegration or as an aberration, the regional parties have assumed a new role in the Indian system of governance. The last three Parliamentary elections – 1996, 1998 and 1999 – have changed the perception about the regional parties as they have become major players in the formation of rainbow coalition governments in New Delhi.

The United Front federal government (1996-1998) set the tone for a radical shift in power relationships between the federation and the States. It called for an alternative system of governance based on federalism, decentralization, accountability, equality and social justice. It set the stage for greater devolution of autonomy and power to the states.

The National Democratic Alliance coalition in New Delhi may not have taken the federalist agenda forward but its success has prompted analysts and practitioners of federalism to speak of "strong states, soft centre structure", "real federalism", "fiscal federalism", "cooperative federalism". These and similar terms have gained currency in the national political discourse.

A strong federal government still exists but its clout is waning, and its authority is shrinking. It has to negotiate where it would once have bullied its way through. Some state capitals like Bangalore, Hyderabad and Mumbai have emerged as virtual parallel power centres. World leaders visiting India can't afford to exclude these capitals from their itinerary. Leaders such as Chief Minister Chandrababu Naidu of Andhra Pradesh are permanent fixtures at the World Economic Forum at Davos.

### ***Power for the grassroots***

The most significant recent development in the Indian practice of federalism has been the emergence of a third tier of government, the local *panchayats*. This relatively new institution has dramatically widened and broadened the democratic base.

Today, over three million Indians are elected every five years to *panchayat* seats, of which one million are constitutionally reserved for women. A large number of heretofore excluded groups and communities now form part of the decision-making bodies. Each state has, in a way, become a federal unit that includes within it three distinct orders – district, block and village.

The local bodies at the village, block and district levels are far from becoming institutions of self-government but they have changed the chemistry of Indian politics. Their biggest impact is on governance. With the advent of the *Panchayati Raj*, (Hindi for "the rule of local governments") governance has passed out of the sole control of central and state governments. In fact, governance has moved beyond governments. Governance in India today is deeper, more extensive and more interconnected than ever before. Consequently, the Indian federal system is now more accountable, with more and more people connecting to it, operating it, administering it and improving it.

This transformation was invisible at first, then the source of visible cracks and finally quite suddenly the cause of collapse. The *panchayats* have begun to reverse some, if not all, the effects of the top-down control which powerful Indian states traditionally represented.

A federal democratic structure, as the Indian case shows, has the wherewithal to withstand the stresses and strains arising out of diverse and often competing demands. India could not be what it is without being federal. ☺