

George Fernandes

Minister of Defence of the Republic of India

During the last three days I have had the great privilege of meeting and interacting with several Heads of State, Heads of Government, elected representatives, civil servants, academics, private sector and Non-Governmental Organisation (NGO) representatives, and youth leaders from a large number of countries. It has been a unique experience for me and I must say it was highly rewarding. If we are here today at this Plenary at the end of a successful International Conference on Federalism in this beautiful University of St Gallen, it is thanks to the Swiss government's commitment made at Mont-Tremblant in Canada's Quebec Province in October 1999. The Forum of Federations born in that meet has, in its short span of life, come of age, as is evident from the success of this conference.

I would like to congratulate the Swiss government for its support and patronage which has made this conference a unique event in the development of thinking and practice of federalism. I must also congratulate President Arnold Koller, Chairman of the Board of Directors of the International Conference on Federalism 2002, for his painstaking efforts to organise this extraordinary dialogue between the practitioners and thinkers of federalism. Here I must compliment all those who worked hard for the success of this program.

I am happy to learn that the Forum of Federations has in the last four years organised several international conferences including one in India. What is

indeed remarkable about the Forum of Federations is its emphasis on bringing about tangible improvements to the practice of federal governance. I congratulate the Forum and its office bearers, many of whom are present here, for having conceived this Forum at a time when the world seemed to be moving in contrary directions – disintegration of nation states and the formation of supra-national bodies. The Forum has done pioneering work and every country can learn and benefit from your efforts.

Federalism is an idea on the move. There are several countries that have adopted federalism as a governing principle; there are many others who have improved the functioning of their federal constitutions. The newly emerging nations too look to federalism as a model to help deal with their complex problems. Federalism is the key to the preservation of the multiplicity and also peculiarity of a diverse society. For federalism to prosper a climate of tolerance and a political culture of accommodation and consensus is a necessary condition.

The post-Cold War world has been a cartographer's delight. In Europe alone until 1989 there were nine states under communist rule. In the same physical space, there are now 27 states. Almost all of them are wrestling with twin challenges. First, the economic crisis from which all states are suffering. Second, all are facing a national crisis in which they are struggling to assert their individuality within the shattered framework of a common economic space.

The disintegration of the Soviet Union and Yugoslavia led many analysts to predict the collapse of other federations. However, these predictions did not

come true because federal democratic structures have the built-in capacity to withstand the stresses and strains arising out of diverse demands often bordering on secessionism. Federalism acts as a glue to hold together a country with diversities. Different nations have their own resilience to survive. The multicultural, decentralised Switzerland goes back 700 years. A country like Australia, which is an island set apart in the middle of an ocean, has its own safety valves. The Americans claim their ideology of Americanism is strong enough to keep them together.

India's experience is equally instructive. The Indian constitution says that India is a union of states. The constitution, adopted by the Constituent Assembly, on 26 November 1949, envisaged a strong centre. At that time, the overriding concern of the founding fathers of the constitution was preservation of the unity and integrity of India. Moving the Draft Constitution, B.R. Ambedkar, the architect of the Indian constitution, had said in the Constituent Assembly that the use of the word "Union" was deliberate, because it conveyed something that is indestructible. The Drafting Committee wanted to make it clear that though India was to be a federation, it was not the result of an agreement by the states. India, which functions as a federal polity during normal times, can be transformed into a unitary state during emergencies. In fact, the Indian state has been variously described: a federation without federalism; a polity covered by some form of federalism – cooperative, executive, emergent, responsible, parliamentary, populist, legislative, competitive, fiscal, restructured, reluctant, and so on. It may be recalled here that K.C. Wheare was the first political scientist to describe the Indian constitution as quasi-federal. He said "The Constitution of the Republic of India is quasi-federal

only” and it cannot be discussed as an example of a federal constitution. This was in the 50s of the last century.

The major failure of the constitution was that it could not provide an integrated administration which works under the elected bodies from village to the centre. E.M.S. Namboodiripad put it succinctly in his note of dissent to the Asoka Mehta Committee report. Namboodiripad says:

“The constitution itself according to me, failed to envisage an integrated administration in which, apart from the centre and the states, there will be elected bodies which will control the permanent services at the district and lower levels. Democracy at the central and state levels, but bureaucracy at all lower levels – this is the essence of Indian polity as spelt out in the constitution”.

Long before the constitution was adopted, Mahatma Gandhi had launched a nationwide campaign for what he termed: “Gram Swaraj”- Village Republics. He wanted decentralisation to reach each and every of the 700, 000 villages, and thus each village becoming a federal unit. After Gandhi’s death his close follower Jayaprakash Narayan continued Gandhi’s mission of Gram Swaraj through his campaign for “Sarvodaya”- upliftment of all rural people. It was another of Gandhi’s followers, Dr Rammanohar Lohia, who conceptualised the four-pillar state consisting of the village, the district, the state and the union as the instrument for federalizing Indian polity. Today, these ideas have become a reality.

As the Indian polity and government began to function as a unitary state, it was realised that only under a federal structure could the unique socio-cultural

diversities of the country as a whole, and the states in particular be held together as a nation. Given the manifold dimensions of India's pluralistic society, the federal principle alone could offer a viable basis for the maintenance of a strong and united Indian state.

Therefore, the search was on for institutional arrangements for improving the relations between the centre and the states as well as state and the lower echelons. The choice of an appropriate federal system for India was at the top of the agenda of concerned intellectuals, judicial and legal experts, social thinkers and political parties. By the late 1980s it was realised that the extension of the federal idea hinged on decentralisation at the sub-state level. The 73rd and 74th Constitution Amendments extending participatory democracy and popular base to the villages and municipalities can be reckoned as the turning point since independence, reflecting the social realities of a federal polity. India is therefore an evolving "federal nation".

By bringing the village councils and municipalities under Part IX of the Constitution, India has moved towards multilevel federalism to accommodate its diversity and give vent to its people's aspirations. Balveer Arora and Nirmal Mukarji have expounded the idea of multilevel federalism for the emerging Indian situation. They are of the view that in large federal systems the "rising tide of pressures for participation in the political and developmental processes" and "concurrent pressures of integration and differentiation" result in multiple layering of structures. India had reached a point where it had become inevitable that without taking "cognisance of the layering of socio-political realities" the Union could not have survived. And multilevel arrangement in India is the new and ongoing search for new modes of

adaptation to the pressure created by democratic development, designed to make the federal system more responsive.

India moving from a two-level federation (union and states) towards multilevel federalism, with local bodies (village councils and municipalities) at the district and below becoming the third level, has made the nation a cascading federalism; a federation of federations. It may be recalled here that India has vibrant autonomous councils to meet the specific demands of the regions, as per the Constitution of India. This multilevel federalism should be seen as the structural means through which self-government goes all the way down to village councils from the centre. Local self-governing units in such a scheme will draw sustenance from grass-roots level political and democratic process as well as effective people's participation.

While the widening of the political base is perhaps the most important step towards federalising the Indian polity, there are several developments which have transformed the Indian federal system. The party system in India has undergone a sea-change from a dominant party system to a multiparty system. It began in 1977 when the Congress Party was defeated for the first time at the centre, in the elections held during the political emergency. Since 1996, India is continuously ruled by coalitions. Strong central governments based on robust one-party majorities in parliament have given way to coalitions that must cater to state level aspirations. The advantages of a coalition in a country like India are there for all to see. Coalition governments have given federal units weight and voice. Coalitions also soften extremism. I must say here that coalitions have their inherent weaknesses as well. As they say "coalition is like a marriage where jealousy is more important than love".

Thanks to federalism, India's states are making themselves heard and felt politically and economically more than they ever have in the 55 years since India became independent. It would be wrong to observe that India's central government is fading away. Nor is the United States government, which after the 9-11 tragedy seems to have assumed and exercised far more powers than ever before. Today, the centre is an intervener no more; now it acts as a regulator. We still have a long way to go, but the journey has begun and we have covered quite a distance.

As far as India's cultural and linguistic diversities are concerned, we have managed them well by the creation of linguistic states. Besides meeting the aspirations of the people, such a step has also reinforced Indian federalism. If at times the centre and the states appear to be on collision course, it is the result of a chasm in terms of different projections of the order of priorities, one emphasising assimilations and the other demanding the preservation of regional identities, one thinking in terms of national security and the other nursing fear of the unknown.

India's secular paradigm is equally worth emulating. The Indian constitution guarantees right to freedom of religion and Indians of all religious persuasions – Hindus, Muslims, Christians, Sikhs, Buddhists, Jains, Jews and Zoroastrians – have the freedom to profess, practice and propagate their religion. There are of course conflicts, violence, even serious riots, particularly between Hindus and Muslims, but these are aberrations. The Indian state, the democratic institutions and civil society remain secular. Secularism is India's manifest destiny. McLuhan's concept of a "global village" appeared just a few

years ago. India has for centuries practiced a policy of what we call “Vasudhaiva Kutumbakam” (the world is a family).

Finally, India’s single most important achievement in the last 55 years is the entrenchment of democracy. Bernard Levin, eminent British columnist, said a few years ago, while paying tribute to Indian democracy, that “India has kept the flame of democracy alight despite the darkness in the surrounding world”. He further said, “if the democracy of India falls, the end of democracy itself will be in sight”.

The European Union (EU) is an exceptionally unique experiment in federalism and highly successful so far. The EU is a role model before us, which other regions of the world could emulate. In South Asia we have the South Asian Association for Regional Cooperation (SAARC). However, we are facing several problems in making it effective in meeting the needs of the region. Mr President, we have many miles to go in South Asia to make the Association of South Asian countries closer to what you have achieved in Europe – a federal forum which will focus on cooperation of South Asian countries, on human development devoid of conflicts and tensions. I am optimistic about the future.

India is the world’s largest democracy. And I, now on behalf of the world’s largest democracy invite the International Conference on Federalism to India in 2005.